

**"The Effects of the Structure of  
Local Government on Crime".**

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for the degree of Master of Public Administration**

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## INTRODUCTION

Anthony Catanese in his study on the relationships between planning and politics likens the ideological ineffectiveness of modern urban planners to Cervantes' Don Quixote and the domination and control of politicians to Machiavelli's prince. (1)

He based his analogies on the long established maxim that while "The planner proposes, the politician disposes", and that therein lies the crucial key to understanding the difficulties of planning. The planner he asserts, has never functioned in a role wherein he has the ability to carry out his own plans. He must rely on politicians to accept and implement recommendations of substance, and as a consequence, the planners role is part savant, part political eunuch. (2)

The statutory responsibility for planning in South Africa - and here speaking specifically of urban planning - falls squarely under the jurisdiction of local municipal governments. At the same time however Catanese's statement, that all powers to do planning, and even the right to exist as local subdivisions emanate from the State, is as applicable in this country as in the United States. "Local Government," he states, "must originate, expand and change with authorisation and delegation from the State". (3)

It is the intention of this thesis to review the role of municipal government in Cape Town as a local planner - and as such, as an agency entrusted with the welfare of its inhabitants - in terms of the general governing processes existent in South Africa. That is to say, in terms of the position it occupies in the infrastructure of government in the country, and its relationship and interactions with other levels of the governing pyramid.

As a corollary of this, an attempt will be made to ascertain and measure the effectiveness of local government (in terms of its stated objectives), and relate such inadequacies as are found to be existent, to insufficiencies in the powers assigned to local bodies.

The study itself is in five parts:-

- Part 1** A review of the early history of local government in England (the forerunner of the present South African system), and the development of general objectives. The identification of key objectives in local governments throughout the world today. A review of the early history of local government in South Africa traced through till the present, outlining its position and function in the governing process.
- Part 2** An analysis of local government in South Africa is represented in terms of the three basic objective identified in part 1. These are:
- 1) Local representation and participation.
  - 2) Decentralised and effective administration, and as an outcome of these first two objectives,
  - 3) provision for the welfare of the local population.
- Part 3** A brief review of social indicators was undertaken to attempt to quantify the effects of good or bad administration. Crime was chosen as an indicator of social malaise, and statistics cited to illustrate a deteriorating situation.
- Part 4** Case studies of three residential areas in Cape Town were undertaken to determine possible antecedents of crime. An attempt is made to relate the perpetuation of these antecedents to inadequate control at the local level brought about by a lack of power.



Part 5      The final section establishes the importance of local government and concludes that a lack of administrative control at this level, has inevitable consequences for social welfare standards. The section includes the proposal of various solutions for the restructuring of local authorities for the better administration of the metropolis.

At the outset it must be emphasised that the investigation was undertaken without particular bias towards any specific form of local government. Nor was it felt that a high degree of local autonomy was a necessary prerequisite for successful government. What was intended however, was to establish the effectiveness of the system in the context of government in South Africa.

It is at this point that a statement must be made of the bias that underlies the author's approach to this study. This is that, the criterion of effective government (at all levels) should be measured in terms of the standard of social wellbeing of all inhabitants living under the control of that governing body. The question of what constitutes good, bad or indifferent standards, is one that will undoubtedly be raised in this connection, and is dealt with in some detail in Chapter 3 of the thesis. The bias itself does not involve a plea for a welfare state, but rather for the promotion of channels for social development, by means of co-ordinated administration and control.

It must be stated however, that the prime objective of this investigation is not to establish a one-to-one correlation between inadequate administration and social welfare standards. The multiplicity of causality precludes such a simplistic deduction. Rather, it is an attempt to analyse, from a public administration perspective, the effectiveness of particular structure of control in the governing process.

It was as an attempt to measure this effectiveness that the concept of social well-being (as manifested through rates of crime) was introduced. The inclusion of a social indicator as a measure of social well-being serves to illustrate the serious consequences of weakness in the processes of control at the local level of government. It was also felt that by introducing some form of factual support, the study would be transformed from a purely theoretical discourse, to one which would have some empirical significance.

At times in this study, the author might appear to be an apologist for possible administrative inefficiencies within the local authority itself. This is not intended to be so, and full cognisance is taken of the role played by the municipality in administrative disfunction of the city. However the topic is vast and many subsections could constitute a separate thesis, and as a consequence this investigation is purposive, selective and necessarily one sided. It is felt that an understanding of the framework within which the municipality operates, will provide the ground work with which to proceed, (in a subsequent study) to an investigation of the efficiencies of the internal structure of local government itself.

In a similar vein, the imposition of strong central control over local authorities, is not itself felt to be of intrinsic ethical consequence. What is of significance however, and here one reverts to the author's stated bias, is the effects of this control on standards of social welfare.

If at times comment in this regard verges on the political, this is unavoidable. South Africa is a political society, and any discussion on social and administrative structures must entail some political consideration. The antecedents of social welfare in particular are in many instances politically oriented, if only from a historical point of view.

However it is not intended that this study should be set up as a polemic on the misdeeds of the State, for as in the words of Charles Caleb Colton, "The greatest fool may ask more questions than the wisest can answer".<sup>(4)</sup>

Bearing this in mind, some attempt will be made in the concluding chapter to propose alternatives to present local government structure, within the framework of existing government policies.

### The Thesis Title.

The scope of this study is limited to local authorities in the Cape Province and Cape Town in particular, due to the authors familiarity with this region. Nevertheless the central contentions of the work are as applicable - in one form or another - to other local authorities in South Africa. It is for this reason that "Cape Town" (being a case study), is excluded from the thesis title. Other key terms in the wording of the title have been discussed earlier in this introduction.

### Dating of Information

Factors in the sphere of government (both central and local) as well as particular illustrations of events in the field of municipal planning alter rapidly, so an assertion that is held to be valid at one particular moment can be rendered invalid within months by changing circumstances. As a consequence it is necessary to state that all information in this thesis is valid as at June 1977, unless otherwise stated.



Notes

1. A. Catanese "Planners and Local Politics : Impossible Dreams" p. 15.
2. Ibid p. 15.
3. Ibid p. 127. It must be noted that "State" in this instance does not have the same connotation as in South Africa, but the comparison is nevertheless valid.
4. Collins Gem Dictionary of Quotations p. 133.

## CHAPTER 1

Before embarking on any investigations into the processes of local government in South Africa and Cape Town, it will be of value to briefly investigate the origins, objectives and statuses of the system in an international context.

Readings in this sphere are myriad, as a consequence review has been limited to conceptual or generalised approaches to the subject. Where specific systems are described, this has been largely as a result of their historical role in the development of local government in South Africa. By this means it will be possible to outline the philosophical foundations upon which local government in Cape Town has been built, and to describe which deviations from these basic tenets exist today. For the purpose of this study the historical background of local government will be limited to Great Britain as it was largely from this origin that the system of local government in South Africa was derived.

### 1.1 Early History

The concept of local government in Britain has from its earliest inception, been closely allied to the idea of democracy and local representation in the governing process, and since the time of John Stuart Mill, has been justified as an integral part of any democratic system.

For local authorities could provide the essential ingredients of a democratic society, elected representatives close to those they served, forming an easy channel of communication between public opinion and the local council. In this respect they differed from the governing state body which tended to be remote from everyday life, governing by impersonal ad hoc bodies whose lay members were usually nominated and not elected. (1)

Representation of the peoples interests however, was but one consideration in democratic theory, John Stuart Mill saw local government as the setting for political education of the masses. Whereas he believed this process might not lead to the most effective administration of a locality, it did provide for the practice of fraternity which he felt to be a prime element in democracy; an element which has an intrinsic value regardless of the functions it may carry out. (2)

This line of thinking was strongly criticised as the 19th century passed and the 20th century advanced. (2a) There were doubts as to whether the village democracies of Toulmin Smith, (3) Mill and others could be reconciled with mass society and a modern welfare state. Local authorities were criticised as being inadequate, both as providers of services and as nurseries of democracy. As Denys Hill states in this connection:

"The ordinary man was a citizen of democratic society and national political parties, pressure groups and the mass media expressed his needs and views far better than an outdated local government could do". (4)

The classical liberal ideologies of the Victorian era thus whilst not being forgotten, were superceded in importance by problems of expediency in administration of local affairs. Not that this aspect had been ignored by early writers, but its importance was secondary to democratic representation. Mill writing in 1861, saw the administration of local affairs by a central government as a cumbersome and unnecessary burden. He wrote:-

"The enormous amount of private business which takes up the time of Parliament and the thoughts of its individual members, distracting them from the proper occupations of the great council of the nation, is felt by all thinkers and observers as a serious evil, and what is worse an increasing one .....

Not only are separate executive officers required for purely local duties (an amount of separation which exists under all governments), but the popular control over those officers can only be advantageously exerted through a separate organ. Their original appointment, the function of watching and checking them, the duty of providing or the discretion of withholding, the supplies necessary for their operations, should rest, not with the national Parliament or the national executive, but with the people of the locality". (5)

At the same time Mill emphasised that while a degree of local independance was necessary, ultimate power and legal discretion should rest with central government. He did not clarify however to just what extent local governments should be able to act autonomously, and subsequent writers and commissioners from Gomme (1897) <sup>(6)</sup> and Redlich and Hurst (1903) <sup>(7)</sup> to Redcliffe-Maud <sup>(8)</sup> and his contemporaries, have struggled to resolve the structural conflict between centralised and decentralised administration.

## 1.2 Basic Objectives

What has emerged conclusively from the early history of local government is that it is a many faceted and many functioned creation. Its structures vary considerably from country to country and yet, (in those countries which purport to some from of democratic representation) there appear to be several basic objectives which determine frameworks for the system. Chief amongst these are:-

- (1) local representation and participation,
- (2) decentralised and effective administration, (from a central government point of view) and as an outcome of the first two objectives,
- (3) provision for the welfare of the local populace.

S. Humes writing on the structure of local government throughout the world, states as follows:-

"The structure of local government is the framework within which local public policy is determined and implemented. In organising any government one must take into account such contrasting, but not mutually exclusive, emphases as individual liberty and corporate authority, local political initiative and central government direction, citizen participation and professional management, and popular responsiveness and effective administration. Structures are the syntheses, albeit usually temporizing ones, of these apparently opposing values. The structure of an organisation not only determines the relationship between the organs but also the balance between these apparently opposing values, and thus provides its inherent character and strength". (9)

## 1.2 Local Representation and Participation (1)

Dealing with the first objective, local representation and participation, Humes affirms that there are some public interests which are primarily local, and that these are activities in which the opportunity for local discretion usually proves to be an advantage in effective administration. The use of local units furthermore gives more opportunities for local residents to take an interest in, to participate in and exert influence in the public affairs of the community. "Furthermore", he states "local representative government forms a valuable training ground for the elected leaders at higher levels of representative government". (10)



Whether local government does in actuality provide a 'training ground' for national politics is debatable. G. Langrod, writing within the context of local government in France, points out that few if any national leaders come from the local arena, and local politics, because of its parochial nature, is more likely to reinforce narrow sectional interests than an appreciation of democracy. He argues that a citizen is more likely to learn about democracy from national politics and national issues. (11)

Nevertheless, the contention that local government provides the framework for the implementation of democratic theory is a valid one, even if the outcome is not politically ideal. As Hill states in this connection:-

"Local and national democracy are one system. There is no such thing as 'local democracy', separate and autonomous, and justified solely in terms of the self governing community. There is a democratic theory of government and society, in which there are different public and private bodies and a fabric of attitudes, behaviour and expectations. Local government is part of this society". (12)

While poll percentages in local government voting are notoriously low throughout the world, this does not confute the ideal of democratic representation. The fact that people do not exercise their right to vote can, in many cases, be seen as an effect rather than a cause. The right to vote is only the bare minimum of involvement in such a system; unless there can be some direct effect on policy and its administration by a local electorate, the level of local participation is unlikely to be high.

The outcome of this is apathy, withdrawal and rejection of the representative process. This situation which stems very often from a lack of local autonomy (and thus an inability to effect the local will) will be dealt with more specifically in the context of local governments in South Africa.

1.2 Decentralised and Effective Administration.  
(ii)

Returning to basic objectives, the effective administration of local affairs can be seen as the *raison d'etre* of local government. For in practice administrative expediencies represent a far more influential consideration to national governments than those of democratic principle. In the words of Humes:-

"Without geographically dispersed general-purposes local units a central government would be obliged to co-ordinate all public activities at a single central location, which would be impossible in all but the smallest countries. In any country larger than a city-state, therefore, the question is not whether to have general-purpose units of local government, but rather to what extent the general-purposes local units should be developed and assigned functions".

In support of this view, Hill cites problems arising as a result of the increasing centralisation of power, as determining factors in the growing importance of local government as an administrative body.

Increased central power she asserts also arises from the imperatives of modern business and investment operations, where economics of scale are as important in the investment sphere as in the use of material and staff.

The resultant centralisation does not diminish the role of local authorities however, since they must carry out the services which central governments determine. The over-burdening of central departments increases the pressure for the decentralisation of field agencies and the devolution of functions to local authorities. At the same time the need for co-ordination between services in the field, a prime function of local government, becomes essential. (14)

Local governments she maintains, distribute the burdens of decision making and diversify the channels of opinion, complaint, redress and demands, and as such must possess some responsible power.

Decentralised government does of necessity entail some degree of decentralised power. The question arises, however, as to just how much power is necessary for administration to be effective. As Humes points out, no unit of local government can, by definition, be completely self governing, and if it were, it would no longer be a unit of local government but rather a sovereign city-state such as ancient Athens or modern San Marino. (15)

At the other extreme, if no real power is vested in local authorities they can not be said to be governments (as the term by definition implies some control) and will, in effect, be nothing more than agencies of the central government.

Extremes of this nature will have repercussions in other spheres of the governing process, as Maddick elaborates:-

"If functions are allocated too meagrely, interest in local government will be replaced by a sense of frustration and futility and neither councillors nor able staff will be forthcoming. If they are allocated too freely and in consequence but poorly administered, local government will be derided by the public". (16)



Whatever the outcome of centralised or decentralised power and function (the two are closely related) the decision to advance one or the other, will, in the last analysis, be based on political and not pragmatic consideration. Maddick states in support of this view:-

"Politics may affect the decision to give more or fewer functions to local government. As with deconcentration and delegation to field agencies, it turns on the confidence that the central government feels in its own position. A government which is unsure of itself will be more reluctant to devolve functions on local authorities and thus build up what may become centres of opposition to the party in power. On the other hand, a country with a monolithic party system, with the party organisation strongly influencing decisions in the local districts, will be much less fearful of this kind of situation and will probably devolve more upon local government". (17)

Function and legal ability then, are determined according to what value central governments attach to the process of local government. All powers extended to local authorities are derived from the central government legislature. This power can be either strictly delegated (as in South Africa) or based on a constitution - derived competence, where a general authority is devolved to do anything which is not specifically forbidden by the central legislature. (18)

The number of tiers and the number and size of local units are also determined by central government, although, historic determinants often play a key role in the organisation of structure.

The implications of strong central control are, as implied, far reaching. The availability of resources and finance, which are critical to economic and social development, are determined centrally, and, as is often the case, are not supplied in sufficient quantity for the effective functioning of local bodies.

Maddick, in another of his publications, contends that what is often lacking in central governments is a sufficiently strong conviction that local government has much or even anything to contribute to the economic and social development of the nation. Derivation of maximum benefit from local authorities hinges on the confidence administrative and political leaders have in these bodies. The acceptance of this view point, and the establishment of a ministry to development and assist local government he asserts, would do much to protect the functions of local units from erosion by central government departments. At the same time there is a need for the removal of useless and unnecessary controls and the ensurement of necessary funds. (18)

The call for more local power is wide spread. At the same time there is a growing realisation that the maintenance of a proper standard of local government is a matter of more than just local concern, since the effects of poor government are rarely confined to the locality in which they occur. (20)

In many instances poor government is synonymous with lack of power. For while local authorities are entrusted with the enactment of certain responsibilities, they have often, as previously stated, neither the financial nor the legal wherewithal to achieve these. As Maddick states:-

"The number of activities, the degree to which the local units act in their own right or as agents of the central government, the juridical source of the authority to carry out these activities, and the degree to which the courts protect the right of the local units to exercise these functions are the major factors in determining the extent of the competence of a unit of local government". (21)

and again in continuation of this theme:-

"Finance is crucial to any local government system. Upon adequate revenue provision depends the ability of local authorities to discharge any responsibilities; upon some sources of revenue being local, depends the prudence and the independence of local authorities; upon predictability of revenue depends their ability to plan for the future; upon the equity of their local tax system, depends much popular support". (22)

The outcome of this situation is that there is no smooth overlap of function and service between central and local government. As a consequence, areas of public need are often not served, falling as it were, between two administrative stools.

For example, responsibility for the provision of housing traditionally (in England and South Africa) falls to local governments. These local governments have a relatively limited authority for levying taxes, partially because most of the more lucrative fields of tax levying have been appropriated by central governments.

The outcome of this in South Africa (despite central government loans) is that there is a severe financial restriction on the quality and quantity of houses that the local governments can afford to build.

1.2 Provision for the Welfare of the Local Population - Future  
 (iii) Potential.

Despite the puppet status and unpromising future of many local governments, there is much that can be achieved by these units if they are permitted by the central legislature to play a more decisive role in the governing process.

Even within the context of greater central control, functions in the provision of social welfare can still be attained. Drain writing on the increasing centralisation of services in Britain, asserts that it does not follow that the functions of local government will be permanently limited. Evidence has shown that the removal of many local government functions has not resulted in a running down of the system or a lower level of activity. Rather these developments can now be seen as part of a re-orientation in the basic purposes of local government. Of this re-orientation he writes:-

"It has been seen how the local government system revolved from one primarily concerned with restriction and regulation to one which was no less concerned with social welfare in the fullest sense in an era of expanding public responsibility for the affairs of the whole community. In this process the gap left by the removal of certain functions has been filled by the greatly increased pre-occupation of local authorities with services having a direct social impact on the lives of their citizens". (23)

This line of thinking is strongly supported by Senior in his "Memorandum of Dissent" which was submitted as a minority report of the Royal Commission on Local Government. He sees the role of local governments as follows:-

"Local government has a general responsibility for the well-being of the communities it represents: its concern is not confined to the discharge of the duties imposed on it by Parliament. It must seek to promote community well-being in all its aspects - economic as well as social, cultural as well as physical - whether or not it has a statutory duty in relation to any particular aspect. And in discharging its statutory duties it must put the general well-being of the local community before the sectional interest of the central government department that is nationally responsible for the functions concerned". (24)

Provision for the popular welfare then, is of considerable importance as a local government objective. The facility to pursue the 'good life' is cited as the chief goal of local authorities by numerous institutions, not least the International Union of Local Authorities (IULA). (25) It is on the basis of this welfare objective that many local governments are being instituted in developing countries. Indeed there is much that could be learnt by developed countries, from the goal oriented welfare programs currently in practice in many 3rd world countries.

Because of its proximity to the people it serves, the local authority is ideally situated to provide for the physical, social and cultural needs of its citizens. As Maddick has stated in a paper to the 1971 IULA Congress:-



"Local government can and often does play a vital part, for it may very well be responsible for the physical environment in which the family lives, the richness of their cultural life, the encouragement or provision of employment, and of a variety of social services and public utilities. Through local authorities all citizens can be provided with an institution which enables them to place in order of priority these various facets of their life and to control the administration of these services". (26)

A similar contention is held by Hill, who sees local authorities as filling the gap between an insensitive market system and a rigid and distant public corporation. She says:-

"Local government is, unlike the market system and its price mechanism or the rigidity of the public corporation, flexible, humane and responsible. Local government is uniquely able to respond to rising demands for services - such as education, welfare and so on - without succumbing to bureaucracy or the incipient syndicalism of professionals set on their own objectives". (27)

Whereas Hill's view is ideal and simplistic, it does, in conjunction with the previously cited works, give a limited outline of which functions local governments should perform in order to fulfill the general objectives of local representation, effective administration and welfare provision.

Whilst the above review has been necessarily cursory, (in that it has not touched on structural hierarchies), it is hoped that it has provided sufficient background with which to compare the functional role of local government in South Africa.

### 1.3 Local Government in Cape Town - Early History

The present system of local government in Cape Town has its origins in colonial history, first under Dutch rule (1652-1795 and 1803-1806) and then under British (1795-1803 and 1806-1910). Both these sources have had a lasting effect on tradition and structure of local Cape government. (28)

As early as 1685 a system of local government, the College of Landdrost and Heemraden, was operative in the rural areas surrounding Cape Town. However, until 1785, no such separate local government existed in Cape Town itself, where all matters were controlled by the Dutch East India Company. In that year the sending of a deputation of colonists to Holland (following on a petition earlier in 1785 by 500 burghers to the directorate of the Dutch East India Company asking for the representation of free burghers in the political council), resulted in the appointment of a municipal commission for Cape Town. This was the Kollege van Commissarissen uit den Raad van Justitia, consisting of three officials and three burghers.

In 1792 the powers of this commission were extended, and wardmasters were appointed to attend to civil and judicial matters.

The first British occupation in 1796 replaced the commission with a 'Burgher Senate' consisting of six burgers appointed by the Governor. This in turn, with the restoration of the Cape Colony to Holland in 1806, was replaced by a 'Raad der Gemeenten'.

This institution, with members co-opted by the Governor, was of considerable importance in that ".... it emerged as a symbol of municipal self-government among the Cape Colonists". (29)

With the reoccupation of the Cape by the British in 1806, the 'Raad der Gemeenten' was suspended and its functions once again performed by the 'Burgher Senate' which existed until 1827 and its suspension pending the introduction of a more representative system of local government. The suspension was followed in 1836, by the passing of a Municipal Ordinance for the Cape. This was partly due as Vosloo states ".... to the policy of the Colonial Office to adopt responsible local government as an educational preliminary to responsible parliamentary government and partly to crown the long felt ideal of representative and responsible local government amongst both the Dutch and British colonists ...." (30)

The ordinance laid down a framework within which municipal regulations could be drawn up, and functions and powers of differing municipalities derived. Local government consisted of a board of commissioners elected by local householders for a period of three years. The system was in essence a home rule measure and operated by public directive. Rates for example, were levied by a public assembly. .

This ordinance was however opposed by the citizens of Cape Town at the time, on the grounds that it was not designed for the administration of such a large town, for as Green states:-

"In a city whose population had grown to 20 000 persons of all races by 1836, a more indirect form of government was needed, with less control by public meeting and more effective neighbourhood representation on the control board". (31)



As a consequence of this opposition a special ordinance, the Ordinance No. 1 of 1840 was passed pertaining solely to Cape Town. The ordinance provided for the election of a board of twelve commissioners who were to be responsible for the governing of the municipality. At the same time wardmasters were elected (2 per ward) to act as a check on the commissioners in regard to the formulation of laws and disposal of finance.

Apart from this watchdog function, wardmasters were responsible for the collection of rates in their wards, the registration of people, property, voters and births, deaths and marriages. Further duties involved the reporting of public nuisances and other matters 'connected with the health, safety and comfort of the inhabitants'. (32)

The municipality, from 1840 onwards, developed along typically British lines, adopting many of the terms and practices defined by the English Municipal Corporation Act of 1835. This situation continued until 1909 and the drafting of the 'South Africa Act'.

#### 1.4 Local Government After the Union

The 'South Africa Act', which took effect in 1910, served to unify the Boer republics and the British colonies; at the same time it laid down the government structure within which the new state was to operate. The resultant three-tier structure of central, provincial and local governments, represented a departure from the old two-tiered Westminster model.

Under the new governmental system, local authorities derived their power not from the central legislature, but from provincial ordinances. This was not true in every instance however, and several acts were passed by the central government, which had far reaching effects on local government. These included the definition of such functions as, the protection of public health and the separation of races, which were deemed to be of national importance. (33)

Despite these several centrally imparted acts, the power of provincial governments over local bodies was considerable. "The general procedure in each province was", as Vosloo states, "to pass a 'general local government' ordinance containing general directives regarding the powers and duties of local authorities and the procedures they (were) to follow". (34)

The first of these ordinances to affect Cape Town, was the Cape Municipal Ordinance which was promulgated in 1912. This ordinance remained for some forty years, until it was repealed in whole by the Municipal Ordinance No. 19 of 1951, which consolidated and amended all laws relating to municipalities at that time.

As this latter ordinance represents the legislative foundations upon which the current system of local government in Cape Town is based, it will be discussed at some length.

#### 1.5 Municipal Ordinance No. 19 of 1951.

The Municipal Ordinance of 1951 defined more clearly than previous ordinances, the relationships as well as the differences between provincial and local government.

Provincial councils derived their legislative power from the South Africa Act and, though, subordinate to the central government in every instance, possessed originating powers in the promulgation of laws and ordinances. As Innes stated:-

"The legislative authority conferred by the South Africa Act upon Provincial Councils is an original and not a delegated authority, so that within the limits imposed they may make laws as freely and effectively as the Parliament of the Union". (35)

Furthermore, whilst there was no question of legislative competition between central and provincial councils ".... it must be noted", as Van Winsen et al have stated, "that there must be an actual repugnancy to something either expressed or implied in an Act, before an ordinance can be said .... to be invalid". (36)

### 1.5 Local Government Terms of Reference.

(i)

The local government terms of reference differed considerably from those of the provincial government. They differed, in the first instance, in their origins, where municipalities derived their authority from three distinct sources:-

- (1) the Union Parliament, which had no qualification or limitation to its power to legislate in regard to municipalities; (37)
- (2) the Old Cape Parliament, which was also a supreme lawmaking body with unlimited power to legislate in regard to municipalities. "All powers, authorities and functions exercised by municipalities under a Cape Act are protected in terms of section 93 of the South Africa Act until varied or withdrawn by Parliament or by a Provincial Council having power in that behalf"; (38)
- (3) the Cape Provincial Council, which within the limits laid down by the South Africa Act, had full power to legislate as the Union Parliament in terms of local government affairs.

The second and most significant difference between these governing bodies was in the sphere of legislative power where local government, unlike provincial government, possessed no originating authority. As V. Winsen et al state:-

"Municipalities in the Cape Province are exclusively the creatures of statute and possess no rights and powers except such as are either expressly or by necessary implication conferred upon them by a competent legislative authority". (39)

This limiting legislation, known as the doctrine of 'ultra vires', ruled as outside the bounds of legality any municipal activity (be it the carrying out of general services or the promulgation of bye-laws) which was not specifically defined by central or provincial ordinances.

This is in direct contrast to the doctrine of 'intra vires' which has fairly wide spread acceptance in Europe and the United States of America. Under this doctrine a local authority is permitted to take any action it considers to be in the interests of the community unless such action is prohibited by a law of some higher level of government.

The influences of the doctrine of ultra vires (which is still in effect today) have been far reaching, and have done much to hamstring the efficient administration and functioning of local government in Cape Town, as will be illustrated in a later chapter.

#### 1.5 The role of the Provincial Council and its Administrator. (ii)

Provincial government by statutory definition is an elected body which has a structure and function broadly similar to that of parliament and the central executive. The similarity however, does not stretch far. For while members of the provincial council are elected and convene at least once a year to discuss matters concerning the province, they do not (as in the case of parliament) exercise the right to promulgate ordinances or effect any legislation of real significance.

This is so because an Administrator is appointed by the state as chief executive to the Council. His position is defined by Vosloo thus:-

"Appointed for five years by the State President (acting on the advice of the Cabinet) and usually a partisan of the party in office, the Administrator is an agent of the central government with sub-cabinet rank. He summons and prorogues Council meetings, introduces all financial and appropriation draft ordinances. The Council may not dismiss the Administrator although it may refuse to authorise his budget". (40)

The powers of the Administrator in respect of local government are extensive, and to him falls the responsibility of ordinance promulgation and the general definition of the size, structure and function of local bodies.

Section 8 (1) of the Ordinance 19 of 1951 defined the general powers of the Administrator over local authorities as follows:-

"8. (1) Subject to the provisions of section nine the Administrator may by proclamation exercise any or all of the following powers:-

- (a) establish new municipalities, assign a name to every such municipality, determine the number of its councillors and prescribe and define its boundaries;
- (b) redefine the boundaries of any municipality;
- (c) alter by way of extension or contraction the boundaries of any municipality;
- (d) divide or redivide any municipality into any number of wards, and define or redefine the boundaries of such wards;



- (e) incorporate in any existing ward or wards of a municipality any area added to such municipality, or constitute such area a new ward or new wards of such municipality;
- (f) abolish the wards in any municipality;
- (g) redetermine the number of councillors of any municipality;
- (h) alter the name of any municipality;
- (i) combine two or more municipalities, whether adjoining or not, assign a name to the combined municipality, prescribe and define its boundaries (which may include a greater or lesser area than that of the combining municipalities) and determine the number of its councillors, and at the same time extend to such combined municipality any provisions, of any special laws applying to any of such combining municipalities, and repeal all provisions not so extended;  
and
- (j) repeal any or all of the provisions of any special law applying to a municipality". (41)

The powers derived by the Administrator were however, even more extensive than those cited above, in that he acquired the right to repeal as being ultra vires any regulation made by local councils, audit financial budgets, call for municipal elections and enforce numerous other by-laws and legislations at his descretion. As Van Winsen and others have confirmed:-

"Apart, however, from what might be styled his coercive powers, the Administrator has other extensive powers in regard to municipal regulations. He has a wide power to veto or amend regulations made by a council; to make regulations in regard to municipal accounts and the audit thereof; for the better carrying out of the provisions of Ordinance No. 19 of 1951 and generally in furtherance of its objects; for prescribing all matters necessary or expedient for the proper and effectual conduct of elections and polls; to make regulations in regard to certain matters affecting a municipality but beyond the council's jurisdiction and to provide for the enforcement of such regulations; to make Standard Regulations and to enforce their adoption by a council in certain circumstances and whenever he deems it in the public interest so to do he may repeal any regulation made by a council". (42)

In addition to the Administrator's considerable powers, provincial councils were given the right to exercise their powers with a surety than approached infallibility. That is to say, any ordinances promulgated by this body, (if not repugnant to central legislation) could not be held to be invalid on the grounds that they were unreasonable. As Schreiner elucidates:-

"Although the validity of a provincial ordinance may be challenged on the ground that it does not fall within the express or implied powers granted by the enabling legislation, it is not permissible in relation to ordinances, as it is within certain limits, in relation to by-laws, to treat unreasonableness as a ground for concluding that any purported exercise of the power falls outside it. Putting it another way, there is no implied condition in the South Africa Act or in the post-Union legislation that Provincial Ordinances shall not be unreasonable". (43)

As a consequence it was not possible for the Cape Town City Council to protect its citizens from forced removal from their established homes to new townships (under the Group Areas Act) on the grounds that the ruling was unreasonable, because it was impractical and would cause considerable social disruption. (44)

1.5 Powers and Functions of the Local Authority.  
(iii)

In terms of the powers bestowed on Cape municipalities by the Ordinance 19 of 1951, local authorities possessed the right to pass by-laws and adopt resolutions (provided they were not, as stated, ultra vires). These resolutions however, could be passed only in those spheres specifically defined by the ordinance, 131 instances in all, which ranged from the restriction and regulation of land subdivision, and the regulation of factories, to the prevention and destruction of noxious insects.

Along with the defined right to promulgate laws, the Ordinance defined which functions or services a municipality should perform. These included the construction and maintenance of streets, bridges, sewers, drains etc., the provision and maintenance of fire and ambulance services, the provision of water and electricity supplies, and maintenance of cemeteries, parks, museums, libraries and numerous other public services.

Several of these initial definitions of service have been altered in subsequent years, but the essential duties have remained.



## 1.6 Ordinances Post 1951

The Ordinance No. 19 of 1951, while supplemented by numerous other ordinances and several statutes, remains the basis upon which the present system of local government in Cape Town functions. The Republic of South Africa Act of 1961 maintained the status quo when dealing with local government affairs, and the only ordinance to effect a significant change in the administration of local authorities, was the Cape Town Administrative Ordinance No. 24 of 1965.

### 1.6 (i) Cape Town Administrative Ordinance No. 24 of 1965.

This Ordinance followed on a commission of enquiry into the system of local government in Cape Town conducted by W. Slater. The commission served to highlight the importance of introducing a system of Management Committees in the internal administration of the City Council, to replace the cumbersome and largely inefficient standing committees. The recommendations represented a constructive step forward in the running of the City, but at the same time, entailed a greater degree of provincial control over local matters. The ensuing Ordinance No. 24, while effecting the necessary changes in the management structure, extended further powers to the Administrator to the detriment of local government autonomy.

Subsequent ordinances <sup>(45)</sup> have eroded this autonomy still further albeit in a piecemeal fashion, and combined with various acts have granted rights to an increasing number of central and provincial bodies, to intervene in the running of local government.

1.6 Municipal Ordinance No. 20 of 1974.  
(ii)

The most recent ordinance of significance in this regard has been the Municipal Ordinance No. 20 of 1974 which repealed all previous 'general' ordinances. The changes enacted in this ordinance however were not extensive and did not alter the structure of control between provincial and local governments. Nor did it alter the general terms of reference or the powers and functions previously assigned to local authorities. Changes generally were confined to technicalities in the administration of a municipality. (46)

The extent and implication of the continuing intervention of central and provincial bodies in local affairs will be dealt with in Chapter two, in terms of the basic objectives of local government discussed at the beginning of this chapter.

Chapter 1Notes

1. D. Hill "Democratic Theory and Local Government" p. 15.
2. J.S. Mill "Consideration on Representative Government" Chapter 15, 1865.
- 2a. See in particular J. Redlich and F.W. Hurst "Local Government in England" 1903 and G.L. Gomme "Lectures on the Principles of Local Government".
3. J. Toulmin-Smith "Local Self Government and Centralisation" 1851.
4. D. Hill op. cit. p. 16.
5. J.S. Mill op. cit. Ch. 15 "Of Local Representative Bodies" p. 111.
6. G.L. Gomme "Lectures on the Principles of Local Government" 1897.
7. J. Redlich and F.W. Hurst "Local Government in England" Vol. I, 1903.
8. Lord Redcliffe Maud "English Local Government Reformed" 1974.
9. S. Humes "The Structure of Local Governments throughout the World" 1959 p. 9.
10. S. Humes Ibid loc. cit.
11. G. Langrod "Local Government and Democracy" Public Administration Vol. 31, 1953 pp. 26-31.
12. D. Hill op. cit. p. 17.
13. S. Humes op. cit. p. 7.
14. D. Hill op. cit. p. 199.
15. S. Humes op. cit. p. 31.
16. H. Maddick "Democracy, Decentralisation and Development" 1963 p. 111.
17. H. Maddick Ibid loc. cit.
18. S. Humes op. cit. p. 38.
19. H. Maddick in "Local Government as Promoter of Economic and Social Development" IULA Publication 1971 p. 47.
20. S. Humes op. cit. p. 31.

21. H. Maddick (1963) op. cit. p. 111.
22. H. Maddick Ibid p. 134.
23. G. Drain "The Organisation and Practice of Local Government" 1966 p. 26.
24. D. Senior "Memorandum of Dissent" Report of the Royal Commission on Local Government (1966-9) Vol. II Cmnd. 4040 pp. 2-6.
25. See IULA Publication "Local Government as Promoter of Economic Development" 1971.
26. H. Maddick op. cit. IULA Publication p. 33.
27. D. Hill op. cit. p. 23.
28. The following section on early Cape History has been extracted almost entirely from W.B. Vosloo's summative work in "Local Government in Southern Africa" 1974 pp. 17-21.
29. W. Vosloo Ibid p. 20.
30. W. Vosloo Ibid p. 21.
31. L. Green "History of Local Government in South Africa" 1957 p. 23.
32. L. Green Ibid p. 24.
33. J. Cowden "Holmes' Local Government Finance in South Africa" 1969 p. 21.
34. W. Vosloo op. cit. p. 25.
35. D. Innes in L. De Van Winsen et. al. "Municipal Law" with special Reference to the Cape Province 1953 p. 10.
36. L. De Van Winsen et. al. Ibid p. 32.
37. Most of the following section is drawn from the work of L. De Van Winsen et. al., which is one of the very few comprehensive works on this subject p. 8.
38. L. De Van Winsen Ibid loc. cit. p. 8.
39. L. De Van Winsen Ibid p. 2.
40. W. Vosloo op. cit. p. 24.
41. Municipal Ordinance 19 of 1951 Section 8 (1).
42. L. De Van Winsen et. al. p. 667.
43. L. De Van Winsen et. al. Ibid p. 15.

44. See Council Minute (G18/111/7/11) 29.11.73. 'District 6 Group Area Declaration'.  
"Whilst the Council has associated itself with the replanning of District 6, it has at no stage agreed with the Government's decision to deny the area to the Coloured citizens of Cape Town. The area can be re-developed to its full potential for the benefit of both the Coloured and White sections and the Executive Committee then felt that this should in fact be done so that members of these Groups who are employed in the City could be given the opportunity of establishing their homes in close proximity to their places of employment. Here it must be borne in mind that businesses in the central area are employing members of the Coloured community in ever-increasing numbers and that they will continue to do so".
45. See for example Municipal Amendment Ordinances 5 of 1966, 23 of 1967, 7 of 1968, 15 of 1969, 25 of 1970, 11 of 1971, 15 of 1972, 5 of 1973, 9 of 1974 and various other ordinances, including the Local Authorities Voter's Amendment Ordinance No. 19 of 1971.
46. One of the most prominent additions to Ordinance 19 of 1951 emerges in Section 8 (5) of the ordinance 20 of 1974 under the heading 'Powers of the Administrator'.  
"The Administrator may, where he is of opinion that the South African Railways and Harbours has the predominating interest in the area of a municipality which is governed and represented by a village council, appoint all the councillors of such municipality and in such event Chapter III and IV and such other provisions of this ordinance as the Administrator may from time to time determine shall not apply and the Administrator may make such provision in lieu thereof as he may deem necessary or desirable".



## CHAPTER 2

### 2.1 Local Representation and Participation.

Investigations into the significance of local representation and participation in the process of municipal government in Cape Town, shows this objective, (statutory definition to the contrary) to be low on the list of importance.

#### 2.1 White Population Group

(i)

In the first instance the voting process at local level is not accorded the same status as that for central and provincial elections. Whereas, the registration of eligible voters in central and provincial\* elections is enforced by statute, no such ruling is laid down for municipal elections. Section 12 of Ordinance No. 20 of 1974 states:-

"The onus of securing enrolment as a voter and of furnishing proof that he is entitled to be or to remain enrolled as a voter shall rest on the person claiming to be or remain so enrolled".

Similarly where central government statute states that all those eligible to vote "shall register", section 11 (1) of the Ordinance 20 of 1974 states that all those eligible shall be "entitled" to be enrolled as voters.

Furthermore, qualifications necessary to become a municipal voter are more stringent than for the central electorate. To qualify as a voter in central government elections, an individual must be a white South African citizen over the age of 18, who is not insane or in prison.

\* The central government voters roll is used at provincial level, which implies that all eligible voters are automatically registered at this level too.

To these qualifications, the municipal voters' roll adds that a voter must be either a property owner or the occupier of ratable property. As a consequence this would exclude old age pensioners, residents of hotels and boarding houses and several other groups, from a say in local government affairs.

The second contributory factor in the minimization of local participation is, the power of veto exercised by the Provincial Administrator and his council, (as discussed in the previous chapter). In this connection it is important to bear in mind the words of Van den Heever, when discussing the relationships between the three tiers of government, in that they represent the official view (i.e. the statutory definition) of the role of local government as a governing body. Of the three governing levels, he writes:-

"With respect to authority, of course, they differ vastly, they are ordered in a definite hierarchy, but the function of each is government. A municipality is not merely a corporation like a company, it is a phase of government, local, it is true, but still government". (1)

A municipality then, is a tier of government (albeit a lowly one) in the sense that it governs, and in the sense that its executives are elected. However, the Municipal Ordinance No. 19 of 1951 and subsequent ordinances grant powers to the Administrator to overrule any local decision, even if it is *intra vires*, if he himself is not satisfied with that decision. Section (14) of the Municipality of Cape Town Administration Ordinance No. 24 of 1965 states as follows:-

"If the Administrator is satisfied that the Council or the Executive Committee as the case may be, has not made sufficient use of the powers of delegations to the extent necessary for the efficient and expeditious conduct of the business of the municipality, he may direct the council or the executive committee to make such delegations as are, in his opinion, reasonable and necessary, and if the council or the executive committee refuses or fails within the time, not being less than thirty days, stipulated by the Administrator may make such delegations himself by regulation, and any such delegation shall thereafter be deemed to have been made, but shall not be subject to withdrawal or amendment, by the council or the executive committee, as the case may well be". (2)

Dr Slater on whose recommendations the Ordinance had been implemented, said of this provision that its objective was not to restrict council but to put the administration in a position where, if necessary, he could persuade the council to make legitimate delegations. Although this might be taken as a limitation of the council's existing powers, he felt that delegations was vital to effective functioning and that there were times when an obstinate council had "to be saved from its own folly in the interests of the local people". (3)

This appears to be a direct contradiction of the whole process of democratic election, whereby an electorate's choice of representatives is honoured, be it a good or a bad one, until the next election when presumably, the voters themselves will be able to correct their error in choice if they so wish. The relationship between the council and its electorate is outlined by Watermeyer as follows:-

"The council .... by statute is made the agent of the body corporate, but the council itself is not a body corporate; it consists of a number of members whose acts are determined by the majority, and when they act collectively by resolution properly taken then they act as agents for the body corporate, the municipality. They are not in exactly the same position as ordinary agents because they are not appointed by their principal (the body corporate), nor do they take instructions from their principal, but they are statutory agents elected by the corporation to perform a mandate for the corporation the terms of which are prescribed in law". (4)

It is this mandate which is violated by provincial intervention. It would appear logical (if local government is in fact part of a democratic process) that if a local authority ruling is not ultra vires and is not repugnant to any statute or ordinance, then that ruling should stand, regardless of whether or not the Administrator views it to be expeditious for the municipality as a whole.

For in vetoing a council decision that is not illegal, the Administrator is, in effect, vetoing the will of the local electorate as manifested through their council's ruling. As Watermeyer continues:-

"The relationship between a council and its inhabitants has also been described as a trust or fiduciary relationship, and it is not unlike that between a board of directors and the shareholders in a limited liability company". (5)

Objections to the close supervision of the Administrator over all council matters, have been raised on numerous occasions by officials of the city, ratepayers and commissioners alike. Dr. S. Morris, the then City Engineer of Cape Town, commenting on the Slater Commission of enquiry into local government, stated that unless there were very good reasons to the contrary, responsible and adequately equipped local authorities should be trusted and it should not be assumed that they are likely to go wrong unless they are subjected to detailed control. He pointed out that minute supervision is incompatible with a sense of responsibility in the supervised, and that while some general supervision of the work of elected representatives by central government or provincial officials may be necessary, excessive control becomes not only stultifying and time-consuming but in effect achieves very little real benefit. (6)

The lack of power and the resultant loss of public faith in the council as a means of achieving local ends, is undoubtedly, a contributing factor in low poll percentages evident in all municipal elections in Cape Town.

Of those people (whites) entitled to vote in the September 1972 municipal elections not more than 40% of those so entitled did register and of those the percentage poll varied between 20% and 50% throughout the 17 wards. (7) Considering that the total number of those eligible to vote, comprises only 15% of the total population (all races) of the people of Cape Town Municipality, it becomes clear that the council elected could not be said to be representative to any significant degree. (8)

If in defence, it could be argued that the failure of the white electorate to exercise its right to vote, does not invalidate the process of democratic representation, the same could not be said for the Coloured, Indian and African members of the community.



2.1 Coloured Population Group.  
(ii)

Where members of the white electorate have direct recourse to councillors (the decision makers of local government policy) over matters of concern in their particular wards, the procedure is far less direct for members of other race groups.

Until 1971, members of all racial groups in the Cape Province qualified for municipal franchise on equal terms, although in practise the terms of the franchise placed Coloured and Asians at a distinct disadvantage and virtually excluded Africans. (9) In that year the Local Authorities Voters Amendment Ordinance (No. 19 of 1971) was promulgated, and while retaining the existing municipal voters roll, stated that all new applicants for registration would have first to qualify for the parliamentary franchise. (10) This in effect precluded any future registration of Coloureds, Indians or Africans on the municipal roll.

In October 1972, to compensate for the loss of municipal franchise, formal provision was made for the representation of Indian and Coloured people in the form of Management Boards. The terms of the Consolidated Group Areas Act of 1966 provide that:-

"Management committees, shall exercise in the group area such powers, functions and duties of the local authority as may be conferred or imposed on them by regulation and shall do this under the supervision and control of the "parent" local authority and subject to any conditions prescribed by the Administrator of the province". (11)

These Boards, (three Coloured and one Indian), each consist of seven members, three of whom are nominated by the Provincial Administrator, and four are elected.

Resolutions passed by the Management Committees are sent to the Town Clerk, as the chief administrative and executive officer of the city.

He in turn refers the resolution to the appropriate council standing committee, and only if these channels of indirect representation fail to satisfy the Management Committee, can its members seek an interview with the standing committee concerned.

Attempts have recently been made by the Management Committees, without success, for representation of one or more of their members at meetings of the standing committees at which matters pertaining to Management areas, are discussed. In view of the fact that Coloured people number more than half the population of Cape Town, it is difficult to envisage meetings at which matters affecting them are not discussed.

Although provision is made in the Act for the evolution of Management Boards into independent local authorities, the financial dependance of such areas on the "parent" authority is such that the change to municipal status is unlikely in all but exceptional cases. As Damp aptly states:-

"The standard to which essential services should be developed and the level at which recreational and cultural facilities should be provided by the parent local authority, presents a vexed question .... On the one hand one is faced with the natural desires of the non-white community to be provided with equivalent services and facilities to those which are to be found in the parent local authority's other areas, while on the other hand, the parent local authority has to be guided not only by its ability to finance such services to the standards desired, but also (and probably by far the more important aspect) the likely ability of the local

affairs committee area to pay its way and meet the costs of these services from within its own revenues when the area involved is ultimately excised by the Administrator from the parent local authority's control and constituted as a local authority in its own right". (12)

To date no plans for Coloured local authorities are in anything more than embryonic form, and it seems likely, if the present political climate persists, that the Coloured people of Cape Town will continue to lack an effective voice in local government affairs. (13)

2.1 African Population Group.  
(iii)

If local representation is not a reality for Coloureds it is even less so for Africans living within the Cape Town municipality. While Africans were, as previously stated, to a limited extent, permitted to register on the common municipal roll, (this privilege was removed in 1971), the mass of people have had recourse only to Bantu Advisory Boards in respect of local problems.

In terms of the Bantu (Urban Areas) Consolidation Act No. 25 of 1945, the board was to consist of not less than three Bantu resident in an urban local authority's area in addition to a chairman who could be a white person.

Members to the Board could be either elected or selected for a three year period of office, while the general conditions of office, duties, functions etc. are laid down by regulations made by the local authority under whose jurisdiction the Board falls. (Responsibility for the administration of African areas in Cape Town, was transferred in 1973 to the Bantu Affairs Administration Board, consequently terms of reference for Advisory Boards are now determined by this body).

The Bantu consolidation Act sets out the general functions of the board as being to consider and report on:-

- (i) "any regulations which the local authority proposed to make affecting the Bantu people in the location;
- (ii) any matter referred to it by the Minister of Native Affairs or the local authority;
- (iii) any matter specially affecting the interests of Bantu in the urban area, upon which the board may consider it useful or desirable to report". (14)

As can be seen from these general directives, the role of such boards in effecting real change in urban African affairs is minimal, and they function in chiefly an advisory capacity. As Evans points out:-

"While this is certainly a start on the ladder towards mature self-administration in the style of Western civilisation it does certainly not provide for the type of responsibility which should wed democratic representation to accountability for local policy decisions and the expenditure of public funds". (15)

An attempt was made in the promulgation of the Urban Bantu Councils Act No. 79 of 1961, to provide some form of independent or partially independent authority for urban Africans. These Councils would provide for more say in local affairs, but would not be equivalent in function or in power, to White municipal authorities (however limited these latter bodies might be).

No urban Bantu Councils are, however, in existence in Cape Town, while the existent Bantu Advisory Boards have proved to be an inadequate form of local rule. (16)

That they are representative, or that they fulfil the aspirations of the urban African to participate in local affairs, is unlikely. In recent unrest in African Townships, many of the grievances expressed revolved around the Bantu Affairs and Administration Boards. At the same time however, criticisms were levelled at the advisory Boards, as being unrepresentative and insensitive to the needs of the local inhabitants. It is a point to be noted that buildings of the Advisory Boards along with those of the Bantu Affairs and Administration Boards, were prime targets of arson and mob violence. This could be taken as an indication of the degree to which these Boards are accepted by the urban African.

It can be seen from the above discussion, that while the representative, and participative role of Whites in local government is at a low ebb, that for Coloureds and Africans is at an embryonic level. As a consequence it would not be illogical to postulate that where a group of people do not have the means to air their grievances (be they of a serious or trivial nature) through institutional means, they will resort to non-institutional means to achieve solutions.

## 2.2 Decentralised and Effective Administration.

Modern governments have, according to R.S. Baker, two basic functions. The first of these is essential to the preservation and continuance of the sovereignty of any state, and involves defence (against external threats), law and order (against internal threats) and taxation (to finance its activities). (17) The second function is a necessary product of the growth and complexity of the social order within the state and involves regulation (of public health, industrial processes etc.) and the provision of services.



Provision for the first of these two functions is generally the responsibility of the central government and as a consequence, falls outside the local sphere of influence.

The manner in which the second function is disposed of, depends largely on the confidence central governments have in local governments as an administrative body. As Maddick has suggested in a previous chapter, governments which are unsure of themselves will be more reluctant to devolve functions on local authorities in that they fear there may be a build up of centres of opposition to the party in power. (18)

This appears to be the situation in South Africa where very little regulation is left to local governments, even although the tiered structure of government makes provision for such a function at local level. This represents a divergence from Baker's classification of the regulation function, which he felt to be a balancing rather than an optimising function. (19)

By this he meant, that where a Government's sphere of activity is extended very widely, much of the regulation (unless the country is under a strong dictatorship) has to be done by agreement and compromise. This involves getting the support and co-operation of major interests on a wide variety of issues including the introduction of new legislation. Many of these issues extend to a local level and are the responsibility of local officials.

The position with regard to local government in South Africa could nevertheless, be defended on the grounds that the areas over which regulation is necessary, are crucial to the development of the country as a whole, and as a consequence should be controlled by one central authority.

The same defence however, could not be used for the function of service provision, where central and provincial governments have exerted their influence in the control of even the most basic services.

## 2.2 Decentralisation vs Deconcentration

### (i)

By consitutional definition, the responsibility for the provision of a range of basic services, falls to local authorities. In practice however, these functions are seldom performed solely by local units. Instead of decentralisation (which implies decentralisation of decision making) there is a deconcentration of power. That is to say, in place of a decentralisation of authority, there is a dispersion of control through agencies which derive their power either from the provincial council or, as in most cases, directly from the central legislature.

The implications of this practice are serious. Not only is the three tiered process of government by passed and the control of the lower echelons of government weakened, but the progress of general community planning is hindered by independant inputs into what should be a co-ordinated programme.

Once again, while there are acceptable arguments in support of a degree of centralisation (the necessity for the standardisation of services, the control of economic factors etc.) arguments in support of deconcentration are not so easily come by.

## 2.2 Need for a Corporate Approach to Planning

### (ii)

In an era that has seen an increasing growth in the importance of a corporate system of planning for local authorities, a general fragmentation of planning and problem solving appears to be a regressive step.

As J.D. Stewart, a prominent writer on the subject of corporate planning, has emphasised, there are strong interrelationships between the problems local authorities face and specific urban problems are ".... in a reciprocal causal relation to all others, such that each is defined by and has meaning only with respect to all others". (20)

It follows that to make any progress in countering the increasing number of urban problems, a local authority must be able to adopt a comprehensive policy of planning. A policy which would require the co-ordination and manipulation of all resources available. As Steward states:-

"Local authority policy planning adjusts the activities of the authority in relation to the needs and problems it faces. It is concerned with planning those activities, whether they involve physical development or social action, whether they involve capital or revenue expenditure. It is concerned with the activities of the authority as a whole". (21)

The problems faced by the City of Cape Town are pressing, and while it is pointed out by defendants of the existing system, that the situation in no way approaches the crises faced in numerous other cities throughout the world, the antecedents of social disorder appear more prominent than in many of these other metropolises. (22)

Rapid urbanisation has been accompanied by a population growth (among Coloureds 3.59% p.a.) (23) that rates as one of the highest in the world. At the same time rural/urban migration has so aggravated the already acute housing shortage, that even as massive a building programme as Mitchell's Plain, will be unlikely to overcome the existent housing backlog. To these problems must be added the lack of work opportunity, general poverty, crime, traffic congestion and numerous other problems generally associated with expanding cities.

The seriousness of the situation is accentuated by the fact that all these problems exist within the framework of a socio-political system that carries with it a potential for inter-racial conflict. (24)

It is of significance furthermore to note, that it has been born out in numerous countries throughout the world, that the physical, cultural and social well being of an individual is very often, a key determinant in his choice of violent or peaceful means of achieving civil rights.

It is against this background that the fragmentation of civic control becomes a critical issue for the City's planners. Concern in this regard was expressed by the Town Clerk, Mr Heugh, in a paper to the U.C.T. Summer School in 1972. (25) He stated that apart from separate local government units operating over interdependent social and geographic areas, central government, provincial authorities and their agencies were exerting an increasing influence in urban planning, development and administration. Their involvement extended to such matters as public health, transportation, land use control, slum clearance, housing, urban renewal, fresh produce marketing, electricity supply and various other services. One found he continued:-

"Apart from local authorities operating over a single area, various Provincial and State Departments providing direct services such as hospitals, public works, education and so on; exercising a supervisory function over local governments; and in addition, special purpose authorities such as Escom, the Group Areas Board and other statutory bodies are set up. It is not unlikely that in the Greater Cape Town area, one will probably find some 40 or 50 major government authorities at work independently. How does one do comprehensive future planning on this basis? How does one co-ordinate their activities and more important, who is to do it?

This typical urban situation has led certain observers to conclude that the major problem facing urban areas is too many governments". (26)

While most students of local government agree on these problems he states, there is as yet no consensus on an approach to solutions. An approach which he felt must revolve around the proper relationship between the various governing authorities in terms of status, dignity, finance, authority, powers and autonomy.

Attempts to restructure local government organisations he concluded, would be far less successful in overcoming metropolitan problems, than the granting of adequate power and financial resources to local authorities to tackle the problems themselves. (27)

### 2.3 State Involvement in Local Affairs.

The most cursory viewing of the 'Guide to State Departments 1974/75', (28) serves to confirm the extensive involvement of central government departments and statutory bodies in the planning process of local government. The extent of involvement and influence in local affairs varies considerably from department to department, as such it will be of value to consider only those bodies which exercise direct influence over urban municipal planning.

The activities of most of these departments are interlinked with those of others, to the extent that there appear at times, to be duplications of function, as for example, in the provision of social welfare which is undertaken primarily by the department of Welfare and Pensions, but also by the departments of Coloured Affairs and Bantu Administration and Development, and to a lesser extent by the department of Labour.



For the purpose of this study however, these linkages will not be considered, nor will the control of these departments over the provincial authorities be discussed, unless they have a direct bearing on local government planning. Similarly discussion of each department will be limited to those functions that affect local authorities directly.

The central government departments concerned are as follows:- (29)

- 2.3 Department of Planning and the Environment which, amongst its  
(i) main functions, must ensure that the physical development of the country on a national basis is orderly and systematic, and must promote the economic growth of the country on a co-ordinated basis.

To achieve these ends the department wields considerable powers, particularly in the implementation of the policy of separate development, where the Planning Administration Branch is responsible for the demarcation and proclamation of group areas in terms of the Group Areas Act of 1966, as well as the control of ownership and occupation in these areas.

With regard to economic growth, the department is responsible for the development of growth points. This involves the co-ordination of activities for the bringing about of infrastructure at growth points and financial aid to accomplish this end.

To assist in fulfilling these objectives, the department has control over the zoning of land for industrial purposes and the general use of land in terms of the Physical Planning and Utilization of Resources Act of 1967.

While much of this national planning is carried out by the Department's various branches, several statutory boards and councils functioning under the aegis of the Minister of Planning, contribute independently to the planning process and to local government planning in particular. These bodies are the Economic Advisory Council, the Scientific Advisory Council, the Planning Advisory Council, the Growth Point Committee and the Group Areas Board.

The rulings emanating from the Department and its constituent boards and councils have considerable effect on urban planning, in many instances serving to create problems that are left to local authorities to solve. Such has been the case with the resettlement of Coloured families in Cape Town in terms of the Group Areas Act, where not only was need created for more housing but the ensuing breakdown of social structure in those communities moved, presented the council with numerous health and welfare problems.

Similarly the zoning of industrial land and the determination of growth points can hinder attempts by the City to deconcentrate its working and shopping areas. The Council's proposal for a Central Business District to support the new Mitchell's Plain housing scheme has to date, met with little favour from Planning Department officials as a growth point has already been established at Saldanha/Vredenburg. (30) A project which still is of questionable viability. (31)

- 2.3 Department of Community Development works in close collaboration with the Department of Planning, and has among its main functions, the professional and technical planning of and control over housing programmes for the National Housing Commission and the Community Development Board, (statutory bodies functioning in the Department).
- (ii)

The Department is also responsible for the settlement and development of communities in specific areas and the provision of alternative facilities where this becomes necessary. At the same time it must encourage local authorities to provide housing and develop areas for specific population groups.

The Departments involvement in local government housing however, extends beyond encouragement as it is able to regulate the actual physical process of building, by the general administration of all loans and advances made to municipalities by the National Housing Commission.

The effect of this control is to restrict the quality of housing a local government can afford to provide. Thus faced with the task of providing several thousand low cost houses on the Cape Flats with limited funds, the City Council could manage no better than the provision of numerous small sub-economic houses that rapidly become overcrowded and squalid. More recently municipal planners at Mitchell's Plain were forced to commence redesigning whole areas in the light of Housing Commission financial cutbacks, before a reaffirmment of funds was issued by the Prime Minister himself.

A further function of the Department is the renewal and replanning of depressed areas as well as the clearance of slums and the general administration of the Slums Act No. 53 of 1934. The implementation of this function is not a direct process, as evident from the Act which states:-

"It shall be the duty of the local authority to take all lawful, necessary and reasonably practicable measures - for preventing or remedying or causing to be prevented all nuisances in its district". (32)

While the Act appears to give local authorities full discretion in the administration of slum clearance (in that a Medical Officer of Health is appointed by these bodies) this is not strictly so. Before any action can be taken on a report submitted by the Medical Officer of Health, it must first be submitted to a 'slum clearance court'. This body, consisting of a chairman and two members appointed by the Minister, is responsible for the declaration of a slum and the decision on what action should be taken to remedy or remove the nuisance.

It is the duty of the local authority to carry out the ruling of the clearance court and ensure that slums are either renewed or removed. If (in the opinion of the Minister) a local authority should fail to perform its duties effectively, he may suspend the power of the local authority and vest all relevant powers in the Secretary of Housing.

The suspension of local powers seldom occur in the case of individual dwellings, or small groups of dwellings, where local authorities stand to lose little in enforcement of the Slums Act. However when a local authority, for one reason or another, does not act towards the renewal of an area that is generally depressed, the Department of Community Development assumes responsibility for the area as a whole.

Such was the case in District Six, where the City Council partly for reasons of finance, but chiefly as a rejection of the rezoning of the area from Coloureds to Whites, failed to undertake any slum clearance or urban renewal in the area.

The Department undertook slum clearance, and as a result created problems similar to those arising from resettlement under the Group Areas Act. This was so because the act provides for no exemption to slum dwellers on the grounds of lack of other accommodation. The alternative accommodation that had to be provided was the responsibility of the local authority, funded by the National Housing Commission.

Nevertheless in the majority of instances, where for example a municipal council is indecisive and ineffective in the clearing or renewal of a slum area, the Department's intervention is necessary. A problematic situation for local government arises when the Slums Act and the Group Areas Act are applied simultaneously. In such an instance the clearing and renewal of an area creates a housing shortage for the population group effected as none of its members are resituated in that locality and those removed must seek accommodation elsewhere. (33)

It is of interest to note in passing the differences in connotation in the term 'community development' in South Africa and in other countries of the world. The workings of the Department of Community Development appear at times to be operating to the detriment of the community and not to its development.

### 2.3 Department of Bantu Administration and Development. (iii)

Since the take over by the Department of Bantu Administration and Development, of all urban African townships administered by the Cape Town City Council, direct contact between these two bodies has been reduced. However as the Department has as one of its major functions, the control of the sojourn of Africans in White areas, its influence in municipal affairs is still considerable. The African population of the Peninsula (nearly 200 000) is rapidly reaching parity with that of Whites in the municipality (219 700 in 1970).<sup>(34)</sup> It follows logically from this that the social activities and livelihood or urban Africans are becoming of increasing significance to municipal authorities, and as a consequence contact between local bodies and the Department is bound to increase.

Among its other functions the Department must deal with the removal of 'Black spots'. In this role it performs a function similar to that of the Group Areas Board, being responsible for the resettlement of Africans living in White areas. In a sense it accepts greater responsibility for its legislations that does the Group Areas Board, in that it undertakes the administration and control of resettlement areas.



The costs to the City as a result of these resettlements are nevertheless prominent. The social disorders (crimes of violence, drunkenness, disease etc.), are not confined to the resettlement areas themselves, but manifest themselves in the surrounding municipal territory.

A further undertaking of the Department is the planning and promotion of social services and child welfare for Africans in White areas. This function does serve to alleviate some of the problems cited above, but at the same time adds to the general fragmentation of welfare service provision. When it is seen that separate welfare services are provided by the Departments of Coloured and Indian Affairs and the Department of Social Welfare and Pensions as well, the problems of co-ordinated planning come into fuller perspective.

While the Department undertakes responsibility (through the Bantu Affairs Administration Board) for the three African townships of Langa, Nyanga and Guguletu, it does not undertake to house, or provide services for any groups living outside these areas, be they squatters or illegal entrants to the city.

This is chiefly so because Africans living in urban areas without the relevant residence permits 'do not exist' in terms of the Departments definitions. <sup>(35)</sup> Such a situation is evident in the Crossroads area, where an increasing number of African families (estimated at over 10 000 people) have taken up residence in a shanty town that lacks any basic amenities. <sup>(36)</sup> Responsibility for this area, in the opinion of the Department, falls to the local authority in whose boundaries it is situated. This body (in this instance the Divisional Council of the Cape) must undertake slum clearance to remove these people from the area. As Doctor Margaret Nash confirms:-

"Legally Crossroads is a kind of no-mansland. With the Divisional Council and the Bantu Affairs Board each trying to shift responsibility on to the others". <sup>(37)</sup>

From the point of view of local government planning, the Crossroads situation (a growing phenomenon throughout the Peninsula) is very unsatisfactory. By statutory definition local authorities are not permitted to house or provide welfare services to urban Africans, (in that this is the prerogative of the Bantu Affairs and Administration Board). At the same time the clearance of a slum provides no solution in that it merely shifts a squatter camp from one area to another.

### 2.3 Administration of Coloured Affairs. (iv)

The purpose of the Administration is to promote the development of the Coloured community, through education and socio-economic advancements, towards becoming a self-supporting population group. In order to achieve this objective, the Administration is divided into five directorates: Education, Community Welfare and Pensions, Rural Areas and Settlements, Local Government, and Finance and Auxiliary Services.

Only two of these directorates are of significance to this discussion. The first of these, the Directorate of Community Welfare and Pensions, has amongst its functions the research and planning of welfare services, and in particular the care or rehabilitation of needy or maladjusted Coloureds. The second and more influential directorate (from a municipal view point), is the directorate of Local Government.

This body has as its main objective the promotion of the development of the Coloured community in the field of local government. In pursuit of this objective the Directorate undertakes, not only to assume control of independent Coloured local authorities (should they be established) but also to mediate on behalf of the Coloured community in regard to:-

- "(a) the development of residential areas,  
business zones and recreation resorts;
- (b) resettlement and utilisation of labour  
potential;
- (c) local, provincial and central government  
services;
- (d) industrial and commercial enterprise;
- (e) housing;
- (f) the provision and planning of sports and  
beach facilities;
- (g) the advancement generally and securing the  
interests and welfare of the inhabitants  
of Coloured group areas". (38)

The implications of this mediation for local authorities are extensive. The Directorate has the authority to intervene in virtually every local government matter involving the Coloured community, be it in the provision of basic amenities, housing or welfare projects. Once again from a corporate view of planning this is an unsatisfactory situation as will be seen in a following chapter. The restrained approach that is so often adopted in the planning of any matters pertaining to the Coloured community, comes about, in many instances, despite the fact that a local authority is acting within the framework of a Provincial Ordinance. (39)

### 2.3 Coloured Development Corporation. (v)

The Corporation, by statutory definition, is an autonomous State financed body which is controlled by a Board of Directors appointed by the State President. The objectives of the Corporation in terms of the Originating Act No. 4 of 1962 are:-  
".... the encouragement and promotion of the advancement of industry trade and finance, and the performance of such other tasks as the State President may by proclamation in the Gazette determine". (40)

Despite its autonomous status, the Corporation is in every sense a quasi-government body in that it is answerable to the State President. As a result of this connection, it possesses the authority (albeit circuitous) to ensure that its recommendations are enacted. However, in its dealing with local authorities, the Corporation generally operates only with the consent and co-operation of local bodies.

It is of interest to note an overlapping of function in the objectives of the Corporation and those of the Administration of Coloured Affairs, and to a lesser extent, the Departments of Planning and Community Development. This could suggest that the involvement of certain of these Departments in the affairs of the Coloured Community, represents a duplication of function and as such is unnecessary.

### 2.3 Department of Finance. (vi)

The Department, among its functions, exercises financial control over state activities relating to social services rendered to the various racial groups. These services include public education, public health, social welfare, pensions and services. Financial control also extends to such state (or state sponsored) activities as housing, slum clearance, community development, land settlement as well as the administration and development of the Bantu, Coloured and Indian communities.

Much of the funding of large scale projects undertaken by local authorities comes from the Department of Finance. This is in common with many local governments throughout the world, while the practice of allocating specific as opposed to general grants, is less wide spread and bears with it a range of problems which will be discussed in the section on finance.

2.3 Department of Health.  
(vii)

The Department of Health has as one of its main objectives the planning and co-ordination of all health services and health education. Within this framework, it undertakes to advise and assist provincial administrations and local authorities in regard to matters affecting public health. A further function is the collection, investigation and consideration of facts regarding overcrowding or bad or insufficient housing in urban districts. With regard to the Department's relationships with local authorities, the Guide to State Departments states:-

"In exercising its functions, the Department is required to take into account the fact that the underlying basis of the Public Health Act is decentralisation in that the primary responsibility for dealing with health matters of local concern devolves upon local authorities subject, in various respects, to financial assistance on defined bases from the Department and to the advice and guidance of the Department extending, if necessary in the interests of the public health to coercion or even the assumption, if possible through the agency of the provincial authorities, of responsibility for dealing with any particular matter at the cost of any defaulting local authorities". (41)

In practice, the administration of public health services is anything but decentralised. In actuality, services are so widely distributed throughout the three tiers of government, that it became necessary in 1945 to establish a separate co-ordination body - the Central Health Services and Co-ordinating Council - to dovetail and unify the various health services. This situation appears to conflict with certain objectives of decentralisation which are to simplify control procedures and reduce the administrative load of the central government.



Apart from a wide range of coercive powers to ensure both local and provincial health services fulfil their functions in terms of national policy, the Department itself undertakes numerous activities including the control and subsidy of charitable institutions, the prevention of atmospheric pollution, the control of tuberculosis hospitals and many other services.

2.3 Department of Social Welfare and Pensions.  
(viii)

The Welfare Development Division of the Department has as its function the promotion of the efficiency of welfare services and the wellbeing of the aged and family life. Discussion on this department is included to indicate not only an overlapping of function with other departments, but also to illustrate the absence of any local government involvement in such welfare matters. The lack of local government administration in these matters will be discussed in the final section of this chapter.

2.3 Council for Scientific and Industrial Research (C.S.I.R.).  
(ix)

Although the C.S.I.R. is a corporate body functioning outside the Civil Service, its Council reports to Parliament through a designated minister, at present the Minister for Planning and the Environment. The prime statutory function of the council is to advise the State on the best methods of applying science and technology to the development of the country's natural and human resources. Recommendations made by the Council with regard to local government affairs, will carry the force of law only if they are approved by the Minister.

2.3 Department of Indian Affairs  
(x)

This department performs functions broadly parallel to the Administration of Coloured Affairs providing education, social welfare and other services to the Indian community. The Department's influence in Cape Town is minimal due to the small number of Asians living in the area.

### 2.3 Additional Departments.

(xi)

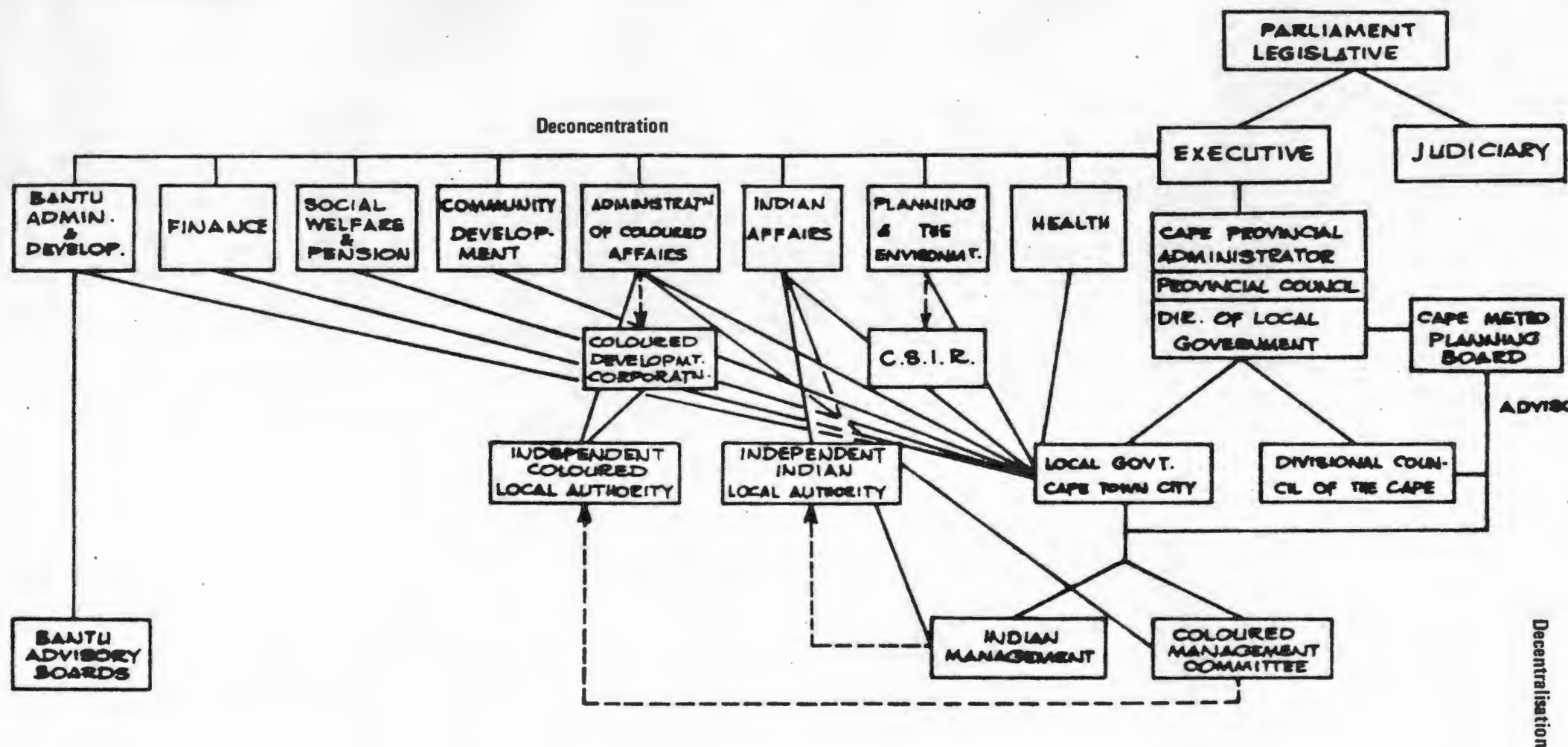
Apart from the ten departments discussed above, various other bodies exercise influence in the field of local government. To a lesser or greater degree these include the Electricity Supply Commission (ESCOM), the Department of Labour, the Department of Water Affairs, the Department of Transport, South African Railways and Harbours, Office of the Public Service Commission and various other government and quasi government departments.

### 2.4 Deconcentration and Decentralisation - Diagrammatic Representation.

The diagrammatic representation on the following page is an attempt to illustrate (albeit in a simplified manner) the process of decentralisation and deconcentration in the structural relationships between local, provincial and central government in the light of the preceding discussion. The inter-relationships between the various central government departments and the provincial administration have been omitted, as have the numerous interlinkages between the state departments themselves.

What is shown is the direct influence of central government departments over local bodies despite the established chain of decentralised control. The control of the provincial administration over local authorities and municipal control over management committees are both superseded by central department control in any matter that is deemed to be unsatisfactory.

The danger that arises from this practice stems from the virtual autonomy of these various state departments. As a consequence conflicts in the area of jurisdictional control at this level can be manifested in the implementation of conflicting policies at the local and provincial levels. There can be little or no check or control of such a situation short of intervention from the Cabinet as a whole or the Prime Minister himself.



## Decentralisation

Having discussed the involvement of central and provincial authorities in the administration of local affairs in Cape Town, it will be of value to mention briefly the role of the Divisional Council and various other municipalities in the functioning of the city as a whole.

## 2.5 The Role of the Divisional Council of the Cape.

The Divisional Council which has territory bounding the Cape Town Municipality on several sides, is a local authority unique to the Cape Province. Its origins stretch back to the 19th Century, where its principal function was the construction and maintenance of roads outside the boundaries of municipalities. (42) Emphasis has shifted from this function (although it still remains of importance), to that of a caretaker body in the development of "local areas". (43)

'Local Areas' (which are not local authorities), comprise much of the peripheral area of metropolitan Cape Town. Administered by the Divisional Council, local areas were formerly distinct rural entities, removed from the central city, however, with continuing urban sprawl, they were in many instances absorbed into the metropolis, to the extent that there are now no natural boundaries by which to indentify them.

This development would have been acceptable had the administrative control also shifted to the central city. Instead, several local areas were promoted to municipal status, while the rest remain under Divisional Council jurisdiction. The outcome of this has been the establishment of numerous small municipalities, which are often too small to be economically viable, and the maintenance of archaic jurisdictionable boundaries.

This last condition is nowhere more prominent than in the Coloured housing estates on the Cape Flats where the City/Divisional Council boundary appears (by present day assessment) to be a purely arbitrary division. <sup>(44)</sup> This for example is evident in the Bishop Lavis police district chosen for the purposes of this study. For the co-ordination of planning and service provision, the boundary between Bonteheuwel and Bishop Lavis Township presents a hinderance.

The Department of Police, (being a central government body) could choose to ignore this boundary and define the Bishop Lavis police district more realistically; a practice which is beyond the jurisdiction of local authorities. The problems faced by Bonteheuwel and Bishop Lavis Township, are in many respects indential and yet, unless there is some collaboration between the Divisional and City Councils, it is unlikely that their development will be planned in a co-ordinated fashion.

## 2.5 Other Local Authorities.

### (i)

Similar problems have arisen with the establishment of numerous small municipalities. There are to day, 13 local authorities (including the Divisional and City Councils) operating in Greater Cape Town, each with difference levels of taxation. These authorities are as follows:-

- Cape Town City
- Cape Divisional Council
- Bellville
- Brackenfell
- Durbanville
- Fish Hoek
- Goodwood
- Kraaifontein
- Kuils River
- Milnerton
- Parow
- Pinelands
- Simonstown



The interdependence of areas in Greater Cape Town (45) in terms of service provision, interlinkage of transport networks, work opportunities etc., present problems which are common to all municipalities. Instead of a unified approach to problem solving however, differing municipal interest, (often highly parochial), and differing financial incomes often preclude co-ordinated planning at a macro level.

## 2.6 The Slater Report.

The disparities which arise as a result of these differences place considerable tax burdens on Cape Town as the 'core' city. These problems were discussed in some detail by Dr W. Slater in his report on "Metropolitan Municipal Authority for the Cape Peninsula", which he submitted to the Provincial Administrator in 1966.

Slater cited several instances where there exists an unfair distribution of the net annual cost of amenities and services. This occurs for example in the provision of Coloured housing, where the City has in recent years carried out large housing schemes. This housing is not limited to those Coloured people living with the municipality of Cape Town itself, and in fact reduces the burden of overcrowding and poor housing in other municipalities.

The provision of housing in this manner becomes unfair when it is known that the municipality of Cape Town alone, must bear the costs of provision and administration of these housing estates. Similarly, in the provision of beach amenities the City, because the majority of beaches fall under its jurisdiction, must bear the costs of upkeep of recreational areas utilised by all people of Greater Cape Town irrespective of their municipal residence. The result of this situation as Slater states:-

".... is purely arbitrary division of the cost which eventually will have serious financial consequences for some of the local authorities while other though benefitting equally, escape liability". (46)

Extending his area of investigation to the planning and development of the metropolitan area as a whole, Slater posed the question, "Is the present position in the Cape Peninsula satisfactory and, if not, what changes are required". (47) His investigations led him to the conclusion that a fatal defect in the existing arrangements was:-

".... the lack of an authority empowered to undertake co-ordinated physical development in accordance with the forward planning of new areas and to finance such development". (48)

Among other crucial defects which he found were that:-

- "(i) Existing urban development was largely unplanned (para. 126)
- (ii) No authority existed for the active promotion of physical development of new areas.
- (iii) In the face of inevitable development, no authority existed to undertake advance acquisition of land for public purposes (para. 128); to make provision for tourists (para. 131); and for beach recreation activities (para. 133).
- (iv) The law relating to "local areas" (Ordinance 15 of 1952) was entirely unsuitable to the conditions in the Cape Peninsula (para. 142).
- (v) No general service authority existed". (49)

This last defect is highlighted when the general services required by the Cape Town metropolitan area are listed opposite the authority responsible for their provision as follows.

2.6 (i) <u>Service</u>	<u>Authority/ies responsible</u>
Water	City
Electricity	ESCOM and City
Sewerage	City, Divisional Council and other local authorities
Health	Province, City, Divisional Council
Ambulances	City Council
Cemetries	Divisional Council
Refuse removal	Each local authority
Recreation	Each local authority
Abattoir	City
Market	City
Education	Province, Coloured Affairs, Bantu education
Short term planning of development	Metropolitan Planning Board and local authorities
Housing	Each local authority
Transport	City, private, central government
Job location	Private, central government (negative control)
Development location	Private, central government (negative control)
Long Range Planning	Metropolitan Planning Board and local authorities (50)

Slater concluded that the problems of Cape Town were a classic example of the world wide development usually referred to as the 'Metropolitan problem'. "The rapid growth of urban populations", he stated "has resulted in the urbanisation of extensive more or less continuous areas which require co-ordinated action for the economical and efficient planning and maintenance of area-wide services but which fall under fragmented civic control". (51)

2.6 Limitations of Slater's Investigation.  
(ii)

Salter's analysis of the problems of metropolitan Cape Town is exacting and, as will be discussed in the conclusion to this thesis, provides many realistic solutions. However the very nature of the report bears inherent limitations. Conducted under the direction of the Provincial Administrator of the Cape, the commission was undertaken within the context of central government policy and, as a consequence, solutions had to be found within that framework. The conflict of interests between the stand point of central policy and the objectives of municipal planning, were beyond his frame of reference.

Despite the absence of any such mention in Dr. Slater's report, it would not be unreasonable to postulate that there could have been political motivation behind the rationale to establish numbers of small municipalities in metropolitan Cape Town.

Political opposition to the government in power in the last twenty years has been centered in the urban areas of the Cape Province. <sup>(52)</sup> This opposition has manifested itself in the activities of certain urban municipalities, which although overtly not politically aligned, <sup>(53)</sup> have shown resistance to the implementation of the policies of separate development. <sup>(54)</sup> This situation has put pressure on the central government to increase its control over local authorities in order to ensure the implementation of its policies.

Rather than continue this trend of diminishing local autonomy, <sup>(55)</sup> from a central government view point, the fragmentation of metropolitan control could fulfil the same objectives by reducing the growth and resistance of large and unco-operative local authorities.

The arguments in support of this fragmentation of municipal control put forward advantages to local democracy and service provision as the motive behind such division. However in the light of the increasing number of problems currently facing smaller authorities (lack of finance, manpower etc.) and the emerging need for unification of at least several municipalities these arguments appear unsubstantiated. Despite the development of a 'Metropolitan problem' in Greater Cape Town, proposals for new municipalities are still being considered and could in time be sanctioned by provincial ordinance. (56)

## 2.7 Finance.

A comprehensive study of the system of local government finance is a major undertaking and would warrant a thesis on its own, as a consequence investigation in this sphere will be kept to a minimum.

Many of the problems of local autonomy discussed earlier, involved lack of finance as much as statutory restriction. Inevitably these two factors go hand in hand and consideration of one must involve discussion of the other. As Cowden, in his update of 'Holmes' Local Government Finance in South Africa' states:-

"Clearly, functions and sources of revenue should be discussed together. It is not enough to ask, are the sources of revenue of local authorities adequate? It is more pertinent to ask, what functions should local authorities perform, and are their sources of revenue adequate for the performance of these functions"? (57)

Just what functions local government in South Africa should perform is an on-going debate, and with the increasing centralisation of services, the general range of local activities is constantly diminishing. However, even with the framework of its present objectives, local government in Cape Town lacks sufficient finance to fulfil many of its major functions adequately.



This is largely so because central and provincial authorities stress that all local government undertakings must be financed from revenue sources accrued by the municipality itself. This would be an acceptable practice if local governments had (58) broader fields of tax levying than those presently open to them.

The largest single source of local authority revenue is derived from assessment rates, which together with service provision and municipal trading comprise the greatest portion of the local government budget. Figures for the 1976 budget for the City of Cape Town, reveal that out of the total sum of R135 million allocated, R37,34 million would be met by income derived from property rates.

To illustrate the actual burden on these rates however, the overall budget can be reduced to about R66 million by excluding housing costs as well as the accounts from the various municipal trading undertakings. (59) These tradings (including markets, the abattoir and water) in most instances balance their own accounts, with the exception of electricity which in 1975 showed a profit of R5.89 million. The remainder of the budget is met by state subsidy and fees and charges from various services.

## 2.7 Factors Diminishing Local Income.

### (i)

Several factors operate against local authorities securing a full return from assessment rates and chief among these are statutory rate limitations and rating exemption. In the first of these a limitation is imposed on rating, which may not be exceeded without the Administrator's consent, after the proposal has been submitted to a meeting of enrolled voters. (60)

This restriction, purportedly to protect ratepayers from reckless squandering of their rates, is unnecessary in view of the Administrator's overriding ruling in all municipal financial matters.

The second factor in the diminution of rate income, is the exemption of certain properties from the payment of local rates. In Cape Town the following properties are exempted from municipal taxation:-

- "(a) State property (including the South African Railways and Harbours and provincial property);
- (b) other public organisations (including divisional councils);
- (c) private property such as religious, charitable, educational, hospitals, cemeteries and recreational". (61)

This constitutes a considerable erosion of the City's tax base in view of the number of central government, railway, religious and recreational buildings in the central business district along. (62)

Objections in this regard were presented by various municipalities to the Borckenhagen Committee of Enquiry into the Financial Relations between the Central Government, the Provinces and Local Authorities. In 1971 - 15 years after its appointment - a government white paper was issued on the committee's findings. In this paper the government undertook to compensate municipalities ".... in respect of one third of the net calculated municipal property tax on government property representing more than 10 percent of the value of all property within the municipal area". (63)

These measures nevertheless represent a very minimal relief to local authorities in their continuous struggle for more revenue; property rates proving to be an inadequate source of income for municipal budgets. Confirming this inadequacy, the City's Town Clerk, Mr Heugh, has stated:-

"Assessment rates constitute the largest single source of a local authority's revenue, but it is becoming increasingly apparent that this medium of taxation is hopelessly insufficient for modern urban demands. Against a background of tremendous urbanisation and industrialisation over the last sixty years, more and more responsibilities are being imposed by the central government, and by economic forces generally on local authorities, without their being given the means to carry out their role as effectively as they should. Tremendous financial strain is being imposed on urban local authorities as a result". (64)

2.7 Summary of the Sources of Income Available to the Three Tiers  
(ii) of Government.

A summary of the sources of public income available to the three tiers of government, serves to support the general municipal grievance of insufficient fields of tax levying.

<u>Central</u> <u>Government</u>	<u>Provincial</u> <u>Administrations</u>	<u>Local</u> <u>Authorities</u> (65)
Income tax	Grants from Central Government	Charges for goods and services
Excise revenue	Direct taxation	Assessment rates
Customs revenue	Motor vehicle and other licences	Rents
Post Office revenue	Hospital receipts	Government and provincial subsidies
Departmental receipts	Entertainment tax	Interest
Interest	Educational receipts	Licences
Licences, stamp duties and fees	Racing and betting tax	Fines and forfeitures
Transfer duty		
Non-Resident Shareholders' tax	Auction sales tax	
Other taxes	Transfer from special funds	
	Miscellaneous	

The fields of taxation listed above are unlikely to change as a result of the findings and recommendations of the Borckenhagen Committee which was "... unable to support the contention that generally speaking the urban local authorities are reaching the economic limits of property taxation and that it has become necessary to grant them additional sources of revenue". (66)

The only additional source of revenue provided to local authorities was in the issuing of trade licences. At the same time however, the incomes derived from sales and entertainment taxes were re-established as the prerogative of the central and provincial governments respectively.

## 2.7 Central Aid . (iii)

The need for central aid in local government capital expenditure is existent in many countries and not least in South Africa.

As has been discussed in the previous section, allocation of funds to local authorities by means of tax sharing by central and provincial governments, is kept to a minimum. Such assigned revenues - as they are so called - are limited to the income from certain fines (assigned by the central government) and licences (shared between provincial and local governments). (67)

The assignment of revenue as a method of granting financial assistance is superseded in importance by the provision of grants in aid. While there are two distinct types of grants in aid made by central governments to local authorities, general grants and specific grants, only the latter are made in South Africa. A third type of grant in aid, not nearly as wide spread as the above two, will be discussed as an alternative in the concluding chapter of this thesis.

2.7 General Grants.  
(iv)

General aids, which are made according to a predetermined formula, aim at ensuring that local authorities are able to maintain minimum standards of public services and that disparities do not arise between the tax burdens of various municipalities. (68) General aids could contribute much to the solution of certain financial problems discussed by Dr. Slater, including the cost of providing beach amenities and Coloured housing.

2.7 Specific Grants.  
(v)

Specific grants in South Africa as elsewhere, are assigned for clearly defined objectives with little discretion being left to local authorities in the dispensing of funds. Over 80% of these specific grants are made in respect of public health and roads. Grants made in aid of these services are based on two methods, (a) on a percentage of approved expenditure as in the case of health services and (b) on a unit basis as in the case of roads, where fund allocations are made per kilometre or tarred gravel roads. (69) Grants in aid of these services range from 33½% to 100% subsidy in the case of financially weak authorities.

These subsidies would be acceptable to local authorities were they not accompanied by detailed central government control, a factor which is becoming increasingly problematic for municipal officials. The degree of central supervision which is justified in the administration of grants made to small local authorities, becomes impracticable when applied to a city the size of Cape Town.

Criticisms in this direction have been raised by numerous municipal commissions, which have served to illustrate the cumbersome and time-consuming process of administering central and provincial grants.



## 2.7 Other Forms of Aid.

(vi)

Other forms of central and provincial aid in South Africa include grants for housing, fire protection, welfare services, traffic control, urban renewal, airports, abbatoirs and markets, Bantu transport, water, theatre buildings and library services. Only a few of these are of any real significance to the City of Cape Town and chief among these are housing and urban renewal. In projects in this sphere, the responsibility for the provision of housing rests with local authority while finance is principally provided by the State. Loans of this nature, are not a direct charge against the revenue of the City and are generally retrieved in either bond repayments or rentals.

Central control in virtually all financial matters however still remains, and whether necessary or not should be tempered to accommodate legitimate municipal appeals. As Cowden states:-

"Responsibility for maintaining services at certain standards and the limited availability of income for this purpose makes necessary a dialogue on the most effective system of subsidy, which will recognize the legitimate desire of local authorities to be free from administrative interference, and yet permit the necessary control by senior authorities". (70)

## 2.8 Local Welfare.

The term 'welfare' as used in the introduction to thesis is intended to have a far broader connotation than that generally associated with welfare services, namely old age homes, orphanages, creches etc. While these latter services do fall within the range of social welfare objectives, the term, as it is used in this context, connotes the well being of the entire society.

A recent equivalent of this term and perhaps a more exacting one, has been the term 'quality of life' which has generally been associated with the conceptual development of social indicators. (71)

In this regard responsibility for the quality of life of a population group would include consideration not only of the physical, but also the social and cultural needs of a city's inhabitants. For as Paul Ylvisaker stated in a paper delivered to the 29th World Congress for Housing and Planning (1968).

"The measure of the quality of a modern city must be redefined in terms of people. The standard of a healthy city must be the quality of life enjoyed by its humblest citizens. Priorities must be on the human, not the physical, product; more important than gleaming new buildings are opportunities available to minorities and to all citizens to enjoy a good life, to be educated, to be healthy, to utilize their capacities in work, to participate in self-government". (72)

The fulfilment of this goal, discussed in the first of chapter of the thesis as one of the prime objectives of local government, is not specifically catered for in the terms of reference of local authorities in South Africa.

## 2.8 Local Government Welfare Objectives.

### (i)

The Municipal Ordinance No. 19 of 1951 clearly delineated municipal spheres of influence, explicitly stating which functions should be undertaken by local authorities and yet, through out this document, there is only one brief reference to a welfare objective. This reference is so generally worded as to be meaningless as a frame of reference. Section 241 of the Ordinance makes local authorities responsible:-

"For effecting any purpose contemplated by this Ordinance and generally for the maintenance of good rule and government and for the convenience, comfort and safety of the inhabitants and for fixing the charges for any services rendered by the Council in connection therewith". (73) (74)

Prior to this the Townships Ordinance No. 33 of 1934 had defined the general purpose of a Town Planning Scheme (which every city by statutory definition must prepare) as the:-

"Co-ordinated and harmonious development of the area of the local authority to which it relates (including where necessary the reconstruction of any part thereof which has already been subdivided and built upon) in such a way as will most effectively tend to promote health, safety, order, amenity, convenience and general welfare as well as efficiency and economy in the process of such development". (75)

The Town Planning Scheme which was prepared for the City under the specifications of Ordinance 33, would presumably, in terms of the above definition, have provided some real directives for welfare planning. Instead the objectives of paragraph 35 (1), when viewed in the context of the scheme as a whole, assume very little importance. As H. Paton observed in his thesis on "An alternate planning structure for social development of the Cape Flats":

"Although the purpose of the scheme purports to make social comments (e.g. general welfare), this is not followed through in the rest of the document, and the "purpose" could be safely deleted without any consequences for the rest of the Statement. Thus the Scheme makes no (effective) provision for either social or economic consequences of planning". (76)

The City of Cape Town thus finds itself in an anomalous situation, where it must provide general services - water, electricity, sewerage etc. - for its inhabitants, but at the same time possesses no real statement of welfare objectives towards which it might strive.

2.8 Diminishing Local Responsibility.  
(ii)

This state of affairs with regard to specific social welfare services has been aggravated in the past two decades by increasing central and provincial control. Prior to the South Africa Act of 1909, the City of Cape Town was involved in poor relief and various other welfare services. (77) After 1909 responsibility for the control of charitable institutions was vested in the Province, which from that date forward regulated both poor relief and welfare services. The actual responsibility for the execution of these services however, still rested on the local authorities which received subsidies from the Provincial Administration. This practice continued until, in terms of the Finance Act No 27 of 1940, responsibility for this function was transferred to the government Department of Social Welfare.

Thereafter local authority involvement in any social welfare activities has dwindled with increasing statutory restrictions. The Fourth Interim Report of the Borchenhagen Committee (1962) concluded that it should not be the function of local authorities to provide education, hospitalization or welfare services. In its report on "Welfare services performed by Local Authorities", the Committee put forward the following recommendations:-

- "(1) That the main responsibility for the financing and control of social welfare services should continue to fall on the central government and should not become a function of local authorities;

- "(2) that the central government should encourage and promote the work of voluntary welfare bodies by the granting of guidance and subsidies, and should exercise the necessary control and co-ordination over their activities;
- (3) that local authorities should encourage and assist voluntary welfare bodies by donations of land and money, grants-in-aid, exemption from the payment of property taxation reduced tariffs for services etc;
- (4) that central government should itself conduct welfare services where these are necessary to supplement the work of voluntary bodies, or where the activities concerned fall beyond the scope of such bodies;
- (5) that the local authority should continue to control street collections and to provide facilities for recreation and leisure activities;
- (6) that it is highly preferable that the institutional care for the needy should be undertaken by voluntary bodies, but that, in cases where suitable voluntary bodies do not exist or are unable or unwilling to provide this service, there can be no objection to local authorities being permitted to undertake this work if they so wish;
- (7) that in common with other employers, local authorities if they so wish, should be permitted to promote the welfare of their own employees". (78)

These recommendations would appear to relegate local authorities to the role of general service providers such as the Electricity Supply Commission; an indication of the role which might already be envisaged for local governments by the State.



In view of the stated statutory objectives of local government in South Africa - as a responsible governing body - it is difficult to conceive why the State should be so averse to local authority involvement in what must surely be local problems. The arguments used to defend the centralised control of the police and education systems (which are under local jurisdiction in many countries) lack conviction when applied to such welfare services as those discussed above.

From the continuing trend of centralisation, it would not be unreasonable to state, that apart from a limited range of social services performed by the Department of the Medical Officer of Health, and in view of its lack of finance to effect urban renewal etc., local government in Cape Town, as in the rest of South Africa, falls short in the role of welfare provider for its citizens. (79)

It is the central contention of this thesis, that the state of local affairs discussed in this chapter are, in terms of three basic objectives of local government cited in Chapter one, far from satisfactory.

The measure of these inadequacies is in the general wellbeing/ quality of life of the local populace. While such a measure is virtually impossible to quantify or qualify empirically, the use of social indicators can serve to illustrate, albeit in a rudimentary fashion, an improving or deteriorating social condition.

To this end it is proposed that the inability of local government to govern effectively has resulted in a breakdown of social organisation in many sectors of the community. For the purposes of this study just one indicator of this social malaise, crime, has been chosen to illustrate a highly complex problem.

The following chapter will attempt to validate the concept of indicators and, in attempting to justify crime as an index of social welfare, will review briefly the theories behind the general application of social indicators and their standing in international research.

Chapter 2Notes

1. J. Van de Heever in Rex v. Bethlehem Municipality 1941 O.P.D. 227 at p. 231; cited in Le De Van Winsen et al p. 2.
2. Provincial Gazette of the Cape of Good Hope 12 November 1965.
3. W. Slater. The Report of the Commission of Enquiry into the system of Local Government which applies to the City of Cape Town, Cape Provincial Administration, 1964; Para. 129.
4. D. Watermeyer in de Villiers and others v. Beaufort West Municipality 1924 C.P.D. at p. 504; cited in L. De Van Winsen et al p.3.
5. D. Watermeyer Ibid loc. cit.
6. Memorandum submitted by Dr. S.S. Morris, Cape Town City Engineer, on the Commission of enquiry into the system of local government which applies to the City of Cape Town 1964.
7. Statistics from the office of the Voters Roll. Town Clerks Department. Cape Town City Council.
8. Results of the September 1976 election show more than half the wards to have councillors elected unopposed. The average poll was 37% and only 18% of the White population actually participated in the election.
9. This was because as Venter states:- "voting qualifications were based on the ownership or occupation of taxable property - a condition which only a handful of Coloureds could comply". A.J. Venter "Coloured: A profile of two million South Africans". 1974 p. 478. The same situation applied to Africans.
10. The Local Authorities Voters Amendment Ordinance No. 19 of 1971 repealed all previous ordinances in this connection.
11. Section 28 of the Consolidated Group Areas Act No. 3 of 1966.

12. D.H. Damp "Non-European Local Self-Government in Natal" South African Treasury June 1967 p. 138.
13. The Theron Commission of Enquiry into the matters relating to the Coloured Population Group 1976, found that the system of Management Committees as it functioned at present was not creating "the necessary capacities to provide adequately for the needs of local Coloured communities". (p.431 para. 19. 193.).
14. Bantu (Urban Areas) Consolidation Act No. 25 of 1945 Section 21.
15. S. Evans "New Management Committees in Local Government" 1969 p. 108.
16. As early as 1969 L. Marquard noted the failure of Bantu Advisory Boards at p. 100 "The Peoples and Policies of South Africa".
17. R.S. Baker 1972 "Administrative Theory and Public Administration" p. 88.
18. H. Maddick 1971 IULA publication op. cit. p.47.
19. R.S. Baker 1972 Ibid. p.88.
20. R.D. Stewart 1971 "Management in Local Government: A viewpoint" p. 18.
21. R.D. Stewart Ibid p. 64.
22. This statement is written within the context of growing Black militancy in Southern and South Africa, and the potential for conflict along racial lines which could be triggered by secondary issues such as inadequate transport, education, job opportunities etc. See note 24 below.
23. "Cohort Survival Projection 1970-2020" Technical Management Services Branch, Cape Town City Council 1975.
24. See Dr. F. van Zyl Slabbert "The Struggle no one would win" The Daily Telegraph 5 September 1977 Dr Slabbert writes "As a rule I look at the situation in South Africa in terms of the problem of Black-White co-existence and the kinds of options open for the physical survival of both". "To the extent that the Black man increasingly resorts to internal and/or external violence, be it in the name of "Black consciousness" of "Black power" or "Black majority" to resolve the conflict.

White-Black polarisation will increase and consequently intensify the beleaguered situation of the White minority. If this process is to run its course, violence will eventually be seen as the only viable instrument for maintaining or changing the status quo." He states the two options open to the White population are siege or negotiation "if it is to be negotiation, and it is my fervent wish that this will be the case, then superficially at least the following conditions will have to be present: effective and representative leadership and organisation on both sides; a common intent to avoid massive violence; a genuine search for compromise through a process of bargaining and, of course, joint decision making and action in effecting compromises".

25. H.G. Heugh "The Municipal Government of Cape Town" in 'Heart of a City' 1972 p. 21.
26. H.G. Heugh Ibid loc. cit.
27. H.G. Heugh Ibid p. 22.
28. "Guide to State Departments and Certain Statutory Bodies" 1974/75 Harold MacCarthy Publications.
29. All information on Government Departments has been extracted from the "Guide to State Departments" op.cit.
30. This situation is as at May 1977.
31. See "Decentralisation - a sorry story" Financial Mail March 30 1973 Supplement.
32. Section 3 Slums Act No. 53 of 1934.
33. Such was the case in District Six which although re-proclaimed under the Group Areas Act had a large proportion of its population removed in terms of the Slums Act.
34. M. Nash 1976 "Home? An introduction to the housing crisis in Cape Town". p.56.
35. M. Nash Ibid p.57.
36. Estimation from aerial photograph Jan 1977. Technical Management Services Branch, Cape Town City Council Discussion of conditions as well as the continued existence of Crossroads is as at June 1977.
37. M. Nash op. cit. p.57.



38. Guide to State Departments op. cit. p.139.
39. See the section on Bonteheuwel in Chapter 4 for instances of this.
40. Section 3 of the Coloured Development Act No. 4 of 1962.
41. Guide to State Departments op. cit. p.85.
42. Para (2) Introduction The Divisional Councils' Ordinance No. 15 of 1952.
43. D. Worall 1971 "South Africa: Government and Politics" p. 118 describe 'local areas' as follows:-  
 "Where a relatively dense population concentration is found in a Cape divisional council area, coupled with a peri-urban development not yet of a magnitude that justifies the establishment of a 'local board', then the Cape administrator may declare such an area a local area for the purposes of the Cape Divisional Councils Ordinance, 1952. Such local areas are not really local authorities since their affairs are managed by the divisional councils of the districts in which they are situated".
44. See the orientation map in Chapter 3 for an illustration of the Bonteheuwel (Bishop Lavis boundary).
45. For the purposes of this study the term 'Greater Cape Town' shall refer to the magisterial districts of Bellville, Cape Town, Goodwood, Kuils River, Simonstown and Wynberg.
46. W. Slater 1966 "Metropolitan Municipal Authority for the Cape Peninsula" para. 157.
47. W. Slater Ibid p. 124.
48. W. Slater Ibid p. 125.
49. Norton M. Robinson P. Unpublished "Report on a Metropolitan Service Authority" 1976 Technical Management Services Branch, City Engineer's Department p.1.
50. Norton M. Robinson P. Ibid. p.4.
51. W. Slater op. cit. para. 167.
52. The distribution of opposition seats in the Cape Province in the last five national elections has been as follows:

	1958	1961	1966	1970	1974
Cape Town	10	10	10	10	10
Port Elizabeth	3	3	2	3	3
East London	1	2	2	2	2
Total No. in the Province	17	17	16	18	18
Urban areas as % of total	80	88	87	82	82

"State of South Africa: Economic, Financial and Statistical Year Book for the Union of South Africa" 1959-60, 1963.

"Official Yearbook of the Republic of South Africa" 1967, 1970, 1976. See also H. Maddicks comments in Chapter one.

53. In the Cape Province no elections are contested along party political lines unlike for example the Provincial council election or even municipal elections in the Transvaal.
54. See for example Cape Town City resistance to the re-proclamation of District Six (Chapter 1).
55. This is a trend which if continued to its logical conclusion would preclude the need for any local authorities at all.
56. Proposals have been put forward for the establishment of Municipalities in Kommetje, Bishops Court and Bergvliet/Meadowridge. Objections from the residents of these areas over the possible increase of rates and the lowering of standards of service as an outcome of Municipal autonomy have to date kept Provincial plans in abeyance.
57. J.W. Cowden 1969 "Holmes' Local Government Finance in South Africa" p. 357.
58. J.W. Cowden *ibid.* p.61.
59. Weekend Argus June 12 1976.
60. J.W. Cowden *op. cit.* p.92.
61. J.W. Cowden *ibid* p.95.
62. For example in 1967 Government property in Cape Town was valued at R128 724 541, a loss to the City of R1 930 868 in rates; equivalent to 20% of its total revenue from rates. L. Marguard "The Peoples and Policies of South Africa". 1969 p.93.
63. Borckenhagen Committee "White Paper on the Reports of the Committee of enquiry into the Financial Relations between the Central Government, the Provinces and the Local Authorities" 1971 para. 16.

64. H.G. Heugh op. cit. p.20
65. Based on a table cited in J.W. Cowden op. cit. p.67.
66. White Paper of the Borckenhagen Committee op. cit. para. 16.
67. J.W. Cowden op. cit. p.127.
68. J.W. Cowden ibid p. 129.
69. J.W. Cowden loc. cit. p.129.
70. J.W. Cowden ibid. p. 136.
71. See B.C. Liu 1976 "Quality of Life Indicators in U.S. Metropolitan Areas" At p.9 he writes "'Quality of Life' is a new name for the older terms 'general welfare' or 'social well-being'".
72. P. Ylvisaker 1968 'Modern Planning Needs' cited in D.J. Botha 1970 'Urban Taxation and Land Use' p.5.
73. Municipal Ordinance 19 of 1951 section 241 para. 131.
74. The welfare objectives of the Municipal Ordinance No. 20 of 1974 are even less exacting, section 188 states as follows:  

"A council may by special resolution make by-laws not inconsistent with the provisions of this ordinance or of any other law, generally for the better carrying out of the object and provisions of this ordinance, the maintenance of good rule and government and the convenience, safety and comfort of the inhabitants of its municipal area and in particular, but without prejudice to the generality of the foregoing ....".
75. Townships Ordinance 19 of 1951 paragraph 35 (1).
76. H.M. Paton 1975 "Social Development for the Cape Flats" p. 19.
77. J.W. Cowden op. cit. p. 155.
78. Borckenhagen Committee 1961-1962 Fourth Interim Report "Welfare Services performed by Local Authorities". p. 11.
79. It is of interest to note that the Theron Commission of Enquiry into matters relating to the Coloured Population Group in their Chapter on Social Problems and Welfare Services p. 287, noted its awareness of the deficiencies and shortcomings that were existent in the service and noted the need for more community-orientated work and the necessity for co-ordination and planning at community and national levels.

### CHAPTER 3

The problems confronting any research into a quantitative and qualitative assessment of social well being are considerable. More so when such research forms part of a substantiation of a broader thesis and is not itself the central subject of study. The problem is exacerbated when it is known that the tools of such investigation are not yet fully described or developed and are themselves the subject of lengthy theoretical dissertations. Thus the limitations inherent in an investigation that must above all consider brevity and conciseness, must continually be borne in mind.

The empirical quantification employed to validate major contentions in this theses is unlikely to approach the exactitude of a controlled social survey; the nature of information available precludes such precision. However, within the framework of the broader study it will provide it is felt, such evidence of 'quality of life' <sup>(1)</sup> in those sectors of the municipality under consideration, as is necessary for the continuance of the central theme of this discourse.

The quantification of the determinants of quality of life as stated, has been and is the subject of on going debate. In this regard the advent of the concept 'social indicator' has done much to bridge the gap between calculated speculation and scientific verification. It will be of value to review briefly the development of the concept and the present 'state of the art'.

#### 3.1 Social indicators - a definitive review.

The need for some objective measurement of levels of living was suggested as far back as 1954 when a United Nations Committee of Experts produced a Report on the 'International Definition and Measurement of Standards and Levels of Living'. <sup>(2)</sup> The Report distinguished between standards of living and levels

of living, the latter was seen as representing the actual conditions of life whilst the former represented prescriptive ideas of what ought to be. Attempts were made to describe levels of living in terms of a series of 'components' which represented accepted values, and recommend measurements of the various components in terms of a series of 'indicators'.

Progress in the derivations of social indicators was made by a series of U.N. Commissions for Social Development. Much of this research however, was oriented towards developing countries and their specific problems in measuring rates of social advancement.

It was not until the National Aeronautics and Space Administration of the U.S.A. initiated a study of indicators as part of an effort to appraise the social impact of outer space exploration, that a systematic and methodological framework for social analysis was devised. What emerged from this study was a real need for monitoring changing socio-economic conditions of Society. (3)

Just what these socio-economic conditions constitute and what indicators should be used to illustrate them, is the subject of numerous divergent theories. This failure to reach a consensus as Liu points out, can be attributed largely to the absence of a commonly accepted social welfare function or value system. (4)

### 3.1 Normative constructs. (i)

The United Nations Statistical Commission in their report "Towards a System of Social and Demographic Statistics" have defined social indicators as:-



".... constructs, based on observations and usually quantitative, which tell us something about an aspect of social life in which we are interested or about changes that are taking place in it. Such information may be objective in the sense that it purports to show how the objective position or changes in it are regarded by the community in general or by different constituent groups". (5)

The concept of the normative value of indicators is consistent throughout a number of definitions. The United States Department of Health, Education and Welfare, define social indicators as follows:-

"A social indicator, as the term is used here, may be defined to be a statistic of direct normative interest which facilitates concise, comprehensive and balanced judgments about the condition of major aspects of society. It is in all cases a direct measure of welfare and is subject to the interpretation that, if it changes in the 'right', direction, while other things remain equal, things have gotten better, or people are 'better off'. Thus statistics on the numbers of doctors or policemen could not be social indicators, whereas figures on health or crime rates could be". (6)

While the above definition is too restrictive in that it excludes from consideration many variables which are relevant to an evaluation of major social conditions, (7) the measurement of welfare has developed as the major rationale behind the usage of social indicators. Within this normative framework social indicators should provide an effective tool for the assessment of welfare standards; a task which is generally the province of authoritative bodies.

As E. Sheldon and W. Moore contend, it is for those who have taken responsibility for bringing about publicly approved changes in community or society that the concept should be of most relevance. Such indicators they assert, could give ready readings on both the current state of segments of the social universe, and on past and future trends, whether progressive or regressive, according to some normative criteria. Furthermore the notion of social indicators leads logically to the idea of monitoring social change. The identification of an indicator that will represent a set of correlated changes and be subject to the introduction of variables will, they maintain, provide the program administrator with 'a powerful analytical and political tool'. (8)

Bauer's view is similarly related but more concise, he states:-

"For many of the important topics on which social critics blithely pass judgement, and on which policies are made, there are no yardsticks by which to know if things are getting better or worse". (9)

Definitions, despite their descriptive value, seldom resolve the problem of establishing external validity, that is which social conditions to measure and how; whether the conclusions drawn are scientifically viable if not explicitly verifiable.

### 3.1 Social indicators as constituents of a social model. (ii)

K. Land in an attempt to clarify the role of social indicators as demonstrators of historical patterns of timing and covariation with social change, drew up a set of activities and values around which he delineated a set of social institutions. (10)

The choice of activities, based on Aberle's definition of society, <sup>(11)</sup> consisted of the following four classes:-

- (a) reproduction;
- (b) sustenance (deriving from a self-sufficiency condition);
- (c) maintenance of order and safety; and
- (d) socialization and cultural organization.

To each of these types of activity he associated one or more standard social institution. The following table illustrates the institutional organisation of societal activities and their end products.

Type of Activity	Institutional Structures	End-products distributed
Reproduction and early childhood socialization	Family	Marriage Fertility Kinship Divorce Personality Formation Ability
Sustenance (production and consumption of goods and ser- vices relative to maintenance of life)	Economy Health Care	Employment Income and Poverty Consumption: Leisure Housing Transportation Physical Environment Mobility Health Mortality

---

Type of Activity	Institutional Structures	End-products distributed
Order and Safety	Government Religion	Public safety and crime
		Legal Justice
		Political and Religious participation
Socialization and Cultural organization	Knowledge and Technology	Schooling Access to Art

---

The first column of the table lists the "four activities (with socialization divided according to the age at which it occurs) whereas the second column lists the institutional structures by which a society reproduces itself, produces and consumes goods and services, maintains order and security and organizes its culture". (12) The third column lists some general characterizations of the final outcome of society which are so distributed : people, jobs, physical environment, health, schooling, crime etc.

It is to these latter characterizations or end-products that social indicators should be applied. Social change is measured in terms of these end-products, which at the same time provide "measurement in terms of the functional relationships according to which the system works". (13)

Thus these final outcomes, when compared over time or with some normative standard should give some indication of the success or malfunction of a particular society.

3.1 Problem oriented definitions.  
(iii)

While a number of theorists (Liu, (14) Smith, (15) Sheldon and Freedman, (16) and others) have forwarded theories for the conceptual analysis of indicators, not as many have directed their research towards implementation in a real life problem. In contrast the work of various United Nations Commissions has generally been problem oriented, and as a consequence definitions emanating from these sources appear more purposive and applicable to the study at hand.

The United Nations Statistical Office for example, in a paper on 'Economic and Social Indicators' has outlined the basic differences between social indicators and basic statistics. The term 'indicator' they observe, is commonly used in statistical circles:-

"With reference to derived figures such as averages, ratios, proportions, index numbers and other synthetic functions. The use of primary statistical series and their distributions by one or more characteristics, as proposed in the list of economic and social indicators, would inevitably eliminate the line of distinction between indicators and basic statistics. Moreover, economic and social indicators must be of current significance, should indicate current trends and be usable for current analysis, assessment of progress and determination of policies". (17)

The paper suggested further that if a list of general indicators is evolved (economic and social), it should be as brief as possible and concentrate on key indicators.



The previously cited paper by the United Nations Statistical Commission, 'Towards a System of Social and Demographic Statistics', has summed up the criteria for defining social indicators as follows:-

"Social indicators relate to some area of social concern and they may serve the purposes of curiosity, understanding or action. They may take the form of simple data series or they may be synthetic series obtained by applying a greater or lessor amount of processing to data series. At any particular time, it may not be possible to construct all the indicators that would be desirable and this limitation should be kept in mind. Social indicators form a subset of the data series and constructs actually or potentially available and are thus distinguished from other statistics only by their suitability and relevance for one of the purposes mentioned". (18)

Despite the unsettled position of social indicators in the field of social research (in terms of concept, scope and nature) existant theories provide sufficient background with which to proceed to tentative formulations of indicators and their application to a range of social problems.

### 3.1 Direct and indirect indicators. (iv)

An interesting division of indicators into 'direct' and 'indirect', has been advanced by the English Department of the Environment (DOE) in a paper on 'The Use of Indicators for Area Action'. Direct indicators they define as being 'numerical representations of a particular condition such that when their size changes then so also does the level of stress or deprivation'. (19)

Evidence of this is given when for example, the level of an unemployed man's real income falls and he becomes even more deprived; this direct relationship would not however be so easily established when various housing amenities are provided and the level of housing stress falls.

Indirect indicators on the other hand are 'numerical representations of a condition that is assumed to be related in some way to the stress condition which is of particular interest.' (20)

This is illustrated for example where income levels in an area are required but are unavailable. An indirect indicator of this income level could be the socio-economic groupings of individuals in the area, where professional and skilled socio-economic groups will have higher incomes than those in semi-skilled and unskilled groups. Care obviously must be exercised in making inferences connected with indirect indicators.

### 3.1 Validity of the concept. (v)

The question of how accurately indicators reflect the realities they aspire to measure and how good a basis for control of these realities they provide, is largely dependent on what is being measured and with what intention. It is doubtful in the measure of human activities whether there could ever be an absolute scale for general application. The value of indicators is most evident when considering existing alternatives for social measurement. As A. Biderman states:-

"No measurement or index is ever totally free of error. The proper question is, "Will there be greater error if we use some explicit, systematic indicator than if we rely on intuitive impressionistic or qualitatively, summative judgement?".

Certain needs for indicators become so strong and nearly universally apparent that we must consent to accept them despite their technical drawbacks". (21)

If the basic validity behind application of social indicators is accepted it is of relevance to return to the proposition that indicators are largely used as measures of welfare.

### 3.2 Indicators as measures of social welfare.

The meaning of welfare as Mernam has put it, "is largely to be found in the issues surrounding the questions "how much", "what quality", "for whom", that must be asked with respect to each separate component of social life and social change. But this cannot be the total meaning. For these parts are interacting and potentially conflicting. And the human mind - no matter how sophisticated persists in wanting to know whether conditions in general are better or worse, while the policy maker must ask which emphasis or which choice will contribute most to the general welfare". (22)

The views of W. Zaff are similarly related. He states:-

"By systems of social indicators I understand primarily all attempts to operationalize and measure the components of a multi-dimensional conception of welfare". (23)

This conception could range from 'total consumption' through 'improvements relative to national goals' to 'contentment with living conditions'.

The need to know whether social conditions are better or worse, runs into the problem of relative value. What constitutes an overcrowding problem among urban Whites might be considered the norm among blacks. Comparisons between nations might reveal similar disparities of standard but, as R. Robertson and L. Taylor maintain:-

"To say, .... that all societies have universal problems, even though at the same time emphasizing variations in their intensity, is to introduce the idea that some features of societies which have come to be regarded as demanding eradication may well not be eradicable at all". (24)

The proposition that social problems are universal is often put forward as an excuse for the excessive failure in social organization at home.

The idea of a boundary zone between acceptable variations in status and functioning and conditions which social policy should not accept, is proposed by Mernam. He contends that while some degree of social unrest, family disorganisation, poor health, unemployment and crime are inevitable, and inevitably greater in a society undergoing rapid change, there is nevertheless, a point or threshold at which it can be said that conditions have deteriorated too far, and that corrective social action will have net positive effect. (25)

The idea of what should constitute 'The Good Life' is largely one of consensus. A. Biderman states:-

"As we have seen, there are broad areas of agreement concerning national interests and phenomena that promote and inhibit these interests. No one is averse to seeing a greater total volume of production, regardless of what type of goods it comprises; hardly anyone opposes the idea of advancing knowledge; nearly everyone, including perhaps many a criminal, would be dismayed by an increase in the frequency of violent crime". (26)

In the last analysis however, the responsibility for determining welfare goals falls to authority. As K. Arrow has noted "'authority' is one of the simpler ways of establishing a welfare function, whereas an attempt to reach 'consensus' may prove futile except under very special conditions". (27)

The functional role of authorities in achieving social goals has been discussed in the previous chapter.

### 3.2 The inter-relatedness of indicators.

(i)

Turning towards a more methodological consideration of social indicators, it is of value to consider the general inter-relatedness of social problems and as such the inter-relatedness of indicators that are used to describe them.

In a study on social malaise in Liverpool Flynn et al (1972) noted this inter-relationship:-

"The relationships between the various types of social problems are among the most interesting results of the study. The identification of two broad groups of social problems and the close inter-linkage within each group, point to the ineffectiveness of treating individual social problems in isolation". (28)

In support of this view the Organization for Economic Co-Operation (1973) state that:-

".... any social condition which is of direct importance to human well-being is also of indirect importance to well-being through its inter-relationships with other conditions which are of direct importance to well-being. This inter-relatedness tends to be lost in a simplistic focus on welfare functions and social concerns. Moreover, any social policy which ignores the inter-relatedness of social indicators is in danger of failure because it is not informed by the resulting second order effects which social indicators were originally designed to measure". (29)



The inter-relatedness of social indicators would appear to suggest that an indicator will indicate much more than the particular state of welfare it is being used to measure. As Rao has stressed, where it is not possible to obtain a complete system of indicators, (which would include all types of indicators), a selection has to be made of key indicators which most effectively reflect social trends. (30)

From this it appears logical to deduce that the choice of just one social indicator, could provide a degree of information about the welfare of a community or sectors of that community. This procedure has been used to a limited extent in the field of town planning, for the identification of areas of urban deprivation. The use of a single indicator in this process serves to isolate problematic areas for further study - be it the establishment of a more comprehensive list of indicators or the mounting of a comprehensive social survey.

### 3.2 Social indicators as measures of urban deprivation. (ii).

T. Knight in a Department of the Environment paper on deriving 'A conceptual background for the identification of areas or urban deprivation' has defined a social indicator as being "an attempted quantification of aspects of well-being of society or a defined group of people within society". (31) The objective in evolving urban environmental indicators he states, has been the attempt to replace the more narrow approaches derived from conventional national incoming accounting.

He outline the classification of the basic functions of social indicators as follows:-

- "a) descriptive-giving a picture of the relevant phenomena;
- b) performance-monitoring the reactions of a system, possibly to a set of policy decisions;

- c) forecasting-presenting a framework which improves knowledge of casual relations". (32)

Elements of all three functions may be relevant to the choice of social indicators to identify areas where deprivation occurs although, he maintains, the descriptive criterion may be the most applicable.

The previously cited DOE report 'The concept of an indicator' has stressed that usage of indicators involves the quantification of concepts such as 'stress' or 'deprivation', where these concepts may not be directly measurable. "An indicator is therefore a numerical representation of a physical or social phenomenon, such as the number of dwellings that are unfit in a particular area, or the proportion of households in an area that are single-parent families, from which it may be possible to infer that 'stress' or 'deprivation' exist". (33) The choice of an adequate indicator or set of indicators is of importance in the identification of problem areas. As the report confirms:-

"For area action purposes local authorities will be concerned with such problems as the lack of housing amenities, overcrowding, low incomes and a poor environment; the difficulty is to find appropriate statistics which adequately identify the magnitude of these deprivations, the resultant feelings of stress and the particular people who suffer them". (34)

The choice of an indicator to illustrate a range of social problems (including urban deprivation), in the Cape Town Municipal area warrants some justification.

### 3.3 The choice of an indicator/indicators for Cape Town.

Any choice of an indicator or indicators to illustrate the central contentions of this study, becomes immediately problematic. The search is for indicators that can give an indication of the state of events in several areas, facing widely differing urban problems.

The sources of information available for this task are not substantial, and are in the most part limited to national census statistics. These in themselves have limitations and are generally unsuitable for application to specific sectors of the City. To begin with the broad mass of census statistics are updated only once every ten years, and current census information was already six years old when this study was initiated. A long enough period to invalidate certain assertions central to this thesis. Furthermore, as Knight points out, the census gives limited information generally of a qualitative nature, (overcrowding or unemployment statistics for example) and it is unsuitable (from the perspective of social indicators) as a source of information on inter-relationships of different aspects of life style for individuals. (35)

Alternative sources currently available are less comprehensive, are limited to surveys at one point in time, and do not give general coverage of the municipal area. The problem is thus one of establishing a set of indicators or a single indicator that will illustrate a broad base of social malaise either as part of a time series or as comparatives between different areas.

With these qualifications in mind, there is in Cape Town (apart from limited area studies in this sphere) virtually no information readily available for the establishment of a general set of indicators to measure social well being even at a broad level. In this regard however the information available on the occurrence of crime is not only updated and on going, but is also generally applicable to all areas of the city.

What remains to be established is whether crime is a meaningful measure of welfare and whether, as an end-product of institutional activities, (in terms of Land's model) its occurrences is as a result of some cause and effect relationship within the social structure.

### 3.3 Causality of crime. (i)

The problem of determining causality in criminal activity is one that is subject to continual debate. Two broad schools of interpretation have emerged however, individualistic theories and environmental theories. (36)

The individualistic theorists - H. Eysenck, (37) R. Fox (38) and the like - assume that man is by nature autonomous and although he submits to the rules of restriction of society, this submission is an artificial aspect of his personality. Under these conditions the sources of criminality are sought in the characteristics of the individual offender. As Johnson confirms:-

"Individual - oriented approaches emphasize the development of the personality. The environment and experiences of early years are assumed to create predisposing factors which make some individuals vulnerable to precipitation factors in the contemporary environment of the offender. Crime may be explained as the result of genetic defects, emotional imbalance, psychiatric disorder, a-social drives, ego-superego conflict or faulty socialization and education. The environment of the individual usually is recognised as part of the etiology of crime, but the focus of attention is on the individual of the immediate family". (39)

Environmental theorists in contrast emphasize the influences external to the individual as major determinants of criminal behaviour. As Johnson continues:-

"these theories involve every relationship between man and the aggregate of external conditions and influences affecting him as an organism and as a social creature. Environmental correlates of crime such as human geography and economic relationships .... have influenced the development of theories in various disciplines. The influence of the physical environment is expressed through climate, availability and kind of natural resources, topography and similar factors. Economic circumstances affect the probability and character of criminal behaviour." (40)

While there are adherents of both schools who pursue mono-causal explanations for all criminal behaviour, a large number of criminologists have adopted multi-causal explanations incorporating both major theories as well as a various other less significant contribution. (41) On these grounds it would appear safe to state that environmental factors are responsible, at least in part (if not at times predominantly), for the causality of crime in urban areas, and particularly among the lower socio-economic sectors of society.

This last factor has been born out by several studies (42), among them a study by J. Clark and E. Wenninger on 'Socio-economic Class and Area as Correlates of Illegal Behaviour Among Juveniles', They found delinquency more frequent and qualitatively different in a neighbourhood of predominantly low occupational status and low incomes, as compared with neighbourhoods where the occupational status was either mixed or predominantly high. (43) In a similar study Reiss and Rhodes found that delinquents oriented to criminal careers were almost exclusively located in the lowest status areas, even though most delinquents in all areas were more oriented to delinquency as a peer group activity than as a career. (44)



Johnson in summarizing the causes of crime among Urban Blacks in the United States, found that low socio-economic status, migration and urban disorganisation and family disorganisation and poverty were among the major determinants of criminal behaviour. (45)

In an investigation directly relevant to housing conditions on the Cape Flats, G. Suttles conducted a study on 'Deviant behaviour as an anticipated consequence of public housing', which indicated that the social consequences of public housing policies in American cities may be especially conducive to crime. (46)

All these studies have been conducted in areas comparable in deprivation to certain sectors of the city of Cape Town. To the environmental determinants cited however, could be added ill health, overcrowding, unemployment, lack of education, poverty and various other factors which contribute to a state of deprivation. Key determinants of this deprivation will be dealt with at some length in the following chapter.

### 3.3 Anomie - its impact on crime. (ii)

A further product of the urban environment generally related to criminal behaviour has been that of 'anomie'. The concept originated by Durkheim (47) to describe a state of normlessness, was developed by Merton (48) who saw anomie as a state reached where the aspirations of success inculcated into an individual or individuals cannot be met due to a lack of available opportunities for success. The availability of these opportunities vary according to levels of social class and ethnic and racial status. It is supposed that those individuals who fail to achieve success opportunities, would be most likely to become social deviants.

Noting that this occurrence is most prevalent in big cities, Merton categorised the resultant stress into four groups of activity.

- 1) Innovation - where there is assimilation of cultural goals but little internalization of institutional norms. He cites crime syndicalists as being men of this type.
- 2) Ritualism - where individuals become zealously conformist to all social norms.
- 3) Retreatism - where both cultural and institutional goals are rejected. Hippies, psychotics and drug addicts are to be found among this group.
- 4) Rebellion - the rejection of both societal goals and institutional means of achieving them, but with the intention of altering the social structure. Aggressive crimes and property offences are often found in this category. (49)

A recent study by J. Midgley on 'Crime and Normlessness : on Anomie in an Urban South Africa Society, has served to illustrate the effects of the state of normlessness existent among urban Blacks where frustration at the inability to achieve societal goals has resulted in the rejection of the broad system of social norms and, as in the case of gangs, the adoption of the norms of criminal subcultures, (50)

### 3.3 The role of urban environment in the causality of crime in South Africa.

(iii)

The role of urban environment in the causality of crime in certain sectors of South African cities has been outlined by Retief in a paper on 'Social Disorganisation, Crime and the Urban Bantu People of South Africa". He states:-

"The degree of organization in any community determines to a great extent its susceptibility and resistance to crime. Although there was a deluge of Bantu migrants to the cities, with the view to indefinite residence, little attention was originally given to town and community planning.

So much so that it has been remarked that if ever there were a Cinderella of planning, it was in the urban locations. The African townships or "locations" as they are known were badly sited and squeezed into unattractive and unsuitable corners of the city. There was no room for their healthy expansion and development and as a result of much confusion and disharmony, they developed into repulsive areas. These areas were characterised by adverse social conditions such as poverty, a housing shortage, overcrowding, unemployment, limited educational opportunities and poor recreational and leisure facilities. Both external circumstances and individual factors contributed to the continuation of these unsatisfactory conditions. These conditions and circumstances brought about a collapse of social control which is typical of most criminal or delinquency areas. This is directly related to the crime rate among the urban Bantu people". (51)

From Retief's statements it becomes clear that many of the antecedents of crime in Black townships are to be found in the condition of the physical environment.

It would appear that it is to these primary causes that counter-active planning must be directed. The implementation of a more efficient policing system will at best only curtail crime rates, and short of ruthless totalitarian methods, will have little hope of eradicating the problem.

Lotter in a study of crime in Pretoria, reaffirms the causal relationship between crime and environment, but adopts an optimistic approach to the abilities of local planners. He states:-

"Urban poverty, crime, violence and public disorder are being linked to physical conditions in the metropolis and social policies designed to deal with these problems are to a large extent paying attention to the nature of the physical milieu. The experience of social problems such as these, has resulted in a new interest in the role of spatial factors in urban disorganization. A new technocracy of planners that hopes by modifying the physical environment to deal with these problems, has been created". (52)

It is this approach to planning which municipal planners find so difficult to enact due to the restrictions placed on them by provincial and central governments.

### 3.3 The impact of crime on society. (iv)

Crime has always been regarded as one of the most serious problems confronting society. Its incidence as Biderman states, is regarded as the most critical manifestation of the failure of social organization. This largely is so because crime involves a general rejection of the moral code of society, so much so that popular theories view an increased incidence of crime as an indication of the failure of society to function, while a decreased incidence implies an effective society. (53)

A similar contention was held by none other than Durkheim himself, who argues that not only was crime an inextricable feature of the general socio-cultural condition, but also "that it was positively functional (within limits), in so far as its occurrence and the judicial response to it served as a constant reminder of the categories of 'good' and 'bad'". (54)

The United States Department of Health, Education and Welfare has stated in its document 'Towards a Social Report', that, "To assess the quality of American life, we must consider the impact of crime on our society". (55) Indeed safety of the person and property is one of the major considerations of communities and governments throughout the World. The absence of a stable climate in which to live and rear children, is itself a causal factor in the origins of social deviance, becoming part of a vicious circle of crime.

Fear of crime was found by NICRO in their report 'Crime on the Cape Flats', to be a serious cause of concern among the large majority of Coloured people interviewed. (56) More recently crime was cited by numerous witnesses before the Erika Theron Commission, as being one of the major problems currently facing the Coloured population group. (57)

The furore that arose among government, political and civic circles as a result of an increase of incidence of crime in Sea Point, is a further evidence of the seriousness with which crime is held in the public eye. The Sea Point situation will be discussed in some detail in the following chapter.

### 3.3 Crime as a social indicator. (v)

Despite various criticisms of the usage of crime as a social indicator (notably Biderman (58), Douglas (59) and De Neufville (60) the concept has been developed and applied as a measure in various welfare programs. Its importance as an indicator has been outlined by the U.S. Department of Health, Education and Welfare which stated:-



"The crime problem confronts society with a number of alternatives. Apprehension and punishment serve as deterrents to crime, as does an increase in police strength and effectiveness. At the same time an enlargement of opportunities, and measures to improve the social context in which crime emerges, are also necessary. Crime is in other words, an index of the health of the entire social organism".

Rao, in devising a set of socio-economic indicators for development planning, selected the following indices: (1) population (2) health and nutrition (3) housing and environment (4) education and culture (5) social defence and welfare (6) income, consumption and wealth. (62) Some if not all of these indicators are contingent on one another and deficiencies in one area would tend to correlate with those of another. Of social defence and welfare he writes:-

"Public order and personal safety are not usually subject to planned development, although they are important matters of social concern. But social defence, which comprises essentially the preventive, probation and correctional services, including the care, education, training, reform and rehabilitation of the offenders, with special attention to juvenile delinquents, is usually included among social development programmes. The rates of incidence of crime and delinquency which may be regarded as indicators of personal security, are needed for planning programmes of social defence. They may also indicate the impact of social defence programmes on the situation, which is a matter of social concern". (63)

Rao's viewpoint is necessarily narrow in that it confines itself solely to the manifestation of criminal acts to the exclusion of study of any causal relationships.

From a methodological point of view, it is worth considering the actual implementation of crime as a social indicator. Social indicators exist in statistical form which, as Rao emphasizes, should generally be in the form of derived summary figures such as averages, rates, ratios, proportions, etc., which reflect the relationship of the phenomenon measured to the setting or background in which it takes place. (64)

From these derived figures it is possible to apply comparisons within or between areas or according to a normative standard which has been officially set. Similarly if indicators are presented as part of a time series, it is possible to determine whether a condition is improving, deteriorating or remaining constant. Such methods can be easily applied to crime statistics, as will be seen in the latter half of this chapter.

In pursuance of method, it should be stated that crime as a single indicator of social malaise, must always be viewed in terms of its inter-relatedness with various other social problems, some of which have been enumerated in the course of discussion. Furthermore crime must be considered as an 'indirect' indicator, in terms of the Department of the Environment, classifications, in that it is assumed to be a product of stress conditions within the society, and is not the stress itself.

Having advanced the credentials of crime as a social indicator it is of importance to assess the accuracy of the statistics themselves. Unlike statistics of physical entities, such as the number of houses, the number of playing fields or even the number of people, which are subject to an actual physical count, crime statistics possess more ethereal properties.

### 3.3 The limitations of crime statistics. (vi)

It is in the usage of official statistics as a basis of inference, that the idea of crime as a social indicator receives most criticism, the range and scope of which is considerably varied.

Among the most outspoken critics of crime statistics (as official statistics) are usually to be found among the ranks of the phenomenologists and ethnomethodologists, who attack 'orthodox' methodologies (for the collection and collaboration of data), for their basic lack of intersubjective validity. (65) The greatest criticism in this regard is to be found in the 'unnoticed and unstated background expectancies' (66) of the observer or recorder, who interprets all information in the light of his subjective experience.

Douglas for example, attacks the collection and categorization of suicide statistics, on the grounds that the determination of cause of death (intentional or accidental) is largely the personal decision of the coroner or statistics recorder. (67)

This is indeed a problem that faces the description of any specifiable social phenomena, and it is one that is unlikely to be solved from a relativist point of view. However the alternatives of the ethnomethodologists are scarcely more acceptable. Their view that the objective observation and interpretation of events is possible, even though official statistics do not provide them, admits to the fact as Hindess states "that official statistics would then be corrigible in principle if not always in practice". (68)

The proposition that the user of official statistics can escape from the chains of inherent subjectivity by a careful elaboration of the background expectancies of the observers and collaborators of the said data, runs into immediate problems of a tautological nature. As Hindess points out for every account of background expectancies forwarded, a second would be required to cover that observer's background expectancies, a process which could lead to infinite regression. (69)

An alternative path to this search for an objectivity knowledge (which generally is not concerned with the fundamental problems of sociology) is to view official statistics as Hindess states "in terms of the conditions of their production". Thus he concludes, statistics can be analysed in terms of 'technical' instruments (of the social survey) and 'conceptual' instruments, (the system of concepts and categories governing the assignment of cases into classes). (70)

With these 'instruments' it is possible to demonstrate the ambiguity, indistinctness and conceptual indeterminacy of statistical materials without any reference to the subjective experiences of officials or observers.

Cognisance of the ambiguities and limitations of crime statistics is generally taken by criminologists, sociologists and other interpreters of this type of information. It is as indicators of social conditions as opposed to being mere enumerations of criminal events however that crime statistics are most susceptible to criticism.

A more exacting critique of crime statistics in this realm, has been forwarded by de Neufville, who argues that crime statistics 'being operationally defined measures', are not generally grounded in the models and concepts of their users or in the best theories available about a particular problem. (71) The lack of underlying concepts she asserts, can lead to an arbitrary design of the indicator, which may make 'it virtually impossible to determine whether it actually represents the idea it is being used for.' (72)

Furthermore she argues, crime statistics have been relatively fixed over time, in concepts, methods and use. Despite their continuity, they have not generally changed with the change of reality and the perceptions and understanding of reality. "Formal continuity in an indicator", she claims "may mean a lack of continuity with reality". (73)



This is in part true in that the methods of crime collection have not advanced considerably in the last 15 to 20 years. However this is due in most part to the complexities involved in the analysis of deviance, its occurrence and causality, and not generally, as de Neufville infers, to the neglect and lack of innovativeness of those concerned with the processing of such information.

The usages of crime statistics in South Africa face a range of limitations which warrant some discussion.

To begin with they are collected over a period of time and are continuously collected. They are generally tabled (in South Africa) in the following forms: reported, sent for trial, and pending. Thus crimes committed in one year can be carried over to another year to boost that year's figures. Reported crimes might never have taken place or more seriously, crimes might not be reported due, for example, to a conviction that police would be ineffective in any event. This situation is self-perpetuating in that the more crime there is the less chance the police have of solving cases and the less likely are people to report crimes to them.

These problems, along with problems of coding and tabling of crimes (usually by people who are not trained statisticians) place some doubt on the accuracy of official crime statistics. However no alternative sources, such as victim surveys, are in existence in South Africa.

### 3.3 Justification for the use of crime statistics. (vii)

Bearing this last factor in mind, it must be stated that even in spite of their present limitations, official crime statistics do give a valid even if rough, indication of the amount of crime committed. As Midgley has stated:-



".... many criminologists are optimistic that the trends reflected in the official crime statistics represent a reasonable approximation of trends in the unknown incidence of crime. Official statistics are a viable parameter of the real crime situation and permit legitimate theoretical abstraction. In spite of a long empirical tradition in criminology and the availability of techniques by which these assumptions could be experimentally tested, methodological and other difficulties have rendered the results largely inconclusive". (74)

He points further to the fact, that despite problems of reliability, criminological theories have proceeded to develop explanatory generalizations about crime that have relied greatly on official crime statistics. "Volumes of research findings," he asserts, "have also reflected a general acceptance of the notion that official statistics are indispensable." (75)

Accepting Midgely's argument, it is necessary to proceed to the actual crime statistics which will serve as social indicators for the study.

### 3.4 The incidence of crime in South Africa.

The incidence of crime in South Africa is generally high in comparison to other industrialized countries. (Statistics for developing countries or those of the third world are seldom available). A comparison between South Africa's prison population and those of other selected countries reveals great discrepancies of number. (76)

Country	Population	Number of Detainees	Per 100 000 Population
Netherlands	12,9 mil	3 280	25,4
Belgium	9,5 mil	6 000	63,2
France	50,0 mil	35 000	70,0
Denmark	4,6 mil	3 300	71,7
England	45,5 mil	33 000	72,5
South Africa	21,3 mil	88 825	417,0

Whereas it must be admitted that a large percentage of those convicted were sentenced for breach of African control regulations, this in itself has a deleterious effect on the community as a whole in that considerable numbers of people are exposed to the prison situation and to more hardened criminals. Because imprisonment is so frequent and for so trivial (in African opinion) an offence, there is often a disrespect for laws as a whole. The situation arises where as Retief states:-

"Transgression of the law becomes normal or expected and not unusual conduct. In such circumstances the moral and value standards of the whole community may in time degenerate until no high ideals or ambitions or striving for betterment exist. Acquiescence and resignation may result. Deviance and crime becomes commonplace and public opinion becomes indifferent and apathetic. The weakening or even disappearance of social sanctions may produce an increase in crime. (77)

### 3.4 Incidence of crime in the Cape Province.

(i)

Whilst it is acknowledged that the national crime rates are, by Western standards, high, statistics reveal that the Cape Province has a higher rate of convictions than any other province. Of all convictions in South Africa during the 1967-8 period, 44% were recorded in the Cape, while 31% were recorded in the Transvaal. (78) This is accentuated by the fact that while the population of the Cape Province is nearly 1 million people less than that of the Transvaal its crime rate is 13% higher.

At the same time crime in South Africa is largely an urban phenomenon. Some 76,6% of all convictions are for crimes committed in urban areas and following on national rates the Cape Province has the highest rate of urban crimes. (79)

Within urban centres in the Cape Province and the country as a whole, Cape Town has the highest incidence of crime. The Department of Statistics (1970) reveal that altogether 49 915 convictions were reported in Cape Town as compared with 25 952 in Johannesburg, 24 397 in Port Elizabeth and 20 622 in Durban. (80) The Cape Peninsula alone accounts for 11,2% of all convictions in the country.

The above statistics have been cited to illustrate the background against which this study was carried out. Crime rates in Cape Town are high by national and even international standards and incidence is wide spread throughout the community. An attempt will be made in the following chapter to show how this situation is aggravated by the lack of any effective social welfare programmes.

### 3.4 Incidence of crime in Cape Town.

(ii)

For the purposes of this thesis, three Police districts in the Cape Peninsula were chosen as study areas, these were:

Sea Point, Langa and Bishop Lavis. The foremost two districts lie within the Cape Town municipal area whilst Bishop Lavis straddles the City Council, Divisional Council boundary and comprises the areas of Bonteheuwel and Bishop Lavis (see orientation map). It must be clarified that Policedistricts do not necessarily coincide with suburb boundaries.

These areas were chosen largely to illustrate the incidence of crime in each main population group, White, African and Coloured, and because crime rates in these areas are particularly high. A further consideration for this choice was the notable absence of any real attempt by the local authority to reduce rates in these areas.

Statistics were collected from the records of the South African Police for the years 1965\*, 1970 and 1975 and represent the number of crimes reported annually by specific offence.. Bearing in mind the limitations of police statistics, these records should provide a valid indication of crime rates in the stated areas.

### 3.5 Categorization of offences.

The categorization of offences is based on divisions used by NICRO in their study of crime on the Cape Flats. (81)

They are as follows:-

- (a) Assault - including both assault with intent to do grievous bodily harm and ordinary assault.
- (b) Murder.
- (c) Dagga offences - including dealings in dagga and being in possession of dagga.
- (d) Rape - including attempted rape.

\* Statistics for Bishop Lavis commence in 1968 as a police station was only established in the area in 1967.





A Map  
showing the extent of the Municipality of  
**CAPE TOWN**  
also the adjacent Local Authorities



- (e) Robbery
- (f) Drunkenness
- (g) Burglary
- (h) Theft - including theft of motor vehicles
- (i) Malicious damage to property
- (j) Family offences - including bigamy, abortion, concealment of birth, cruelty to and neglect of children, non-support of children, deserted wives, and children's laws.
- (k) Bantu - Control Laws.
- (l) Other - including all sexual offences other than rape, breach of peace, escaping from custody, gambling, fraud, possession of dangerous weapons and crimen injuria.

### 3.6 Bishop Lavis police district.

Bishop Lavis police district covers an area of approximately 800 hectares with a population of 70,000 people the vast majority of whom, according to the 1970 Census, were Coloured. Crime incidence was as follows:-

Crime Type	1968	1970	1975
Assault	935	1063	1103
Murder	15	26	21
Dagga offences	349	393	165
Rape	45	57	47
Robbery	172	196	262
Drunkenness	1729	1398	3270
Burglary	184	310	365
Theft	361	443	635
Malicious Damage	373	419	477
Bantu Control Laws	232	30	3
Family offences	34	54	17
Other	356	397	301

Whereas no statistics are available to illustrate the relative growth in population from 1970 to 1975 the increase is deemed not to be so significant that it would negate per capita crime rates.

Certain crimes appear to be increasing rapidly, among them are assault (which in 1975 has increased 18% on the 1968 figures), robbery, drunkenness (which has nearly doubled in seven years) burglary, theft and malicious damage to property. Figures for rape and murder show an increase on 1965 statistics but not on 1970 figures.

Annual per capita crime rates in 1975 show assault rates as 1 : 64, murder as 1 : 3333, rape as 1 : 1490, robbery as 1 : 280 (an extremely high incidence), and drunkenness occurs once in every 21 people; when one considers that a large proportion of the 70 000 population are children under the age of ten, these rates become even more significant.

The following table shows those crimes which have increased significantly since 1968, their percentage increase on the 1968 figures and their annual per capita crime rates.

Crime Type	Percentage increase since 1968	per capita 1975
Assault	18%	1 : 64
Murder	40%	1 : 3333
Rape	4,4%	1 : 1490
Robbery	52,3%	1 : 280
Drunkenness	85%	1 : 21
Burglary	87%	1 : 191
Theft	75%	1 : 110
Malicious Damage	20%	1 : 146

As previously mentioned, the per capita crime rates will be somewhat lower than those cited, in that the population in 1975 would be higher than the 1970 statistics used. This applies for all statistics cited.

**3.6 Langa police district.**  
**(i)**

Langa police district covers an area of approximately 350 hectares with a population that is exclusively Black. The 1970 Census totals for the area is 31 676 of which 27 877 are males and 3 799 are females. These statistics are unlikely to be accurate due to the number of 'illegal' residents in the estate.

More exact totals would in all probability include several thousands more people.

Crimes were as follows:-

Crime Type	1965	1970	1975
Assault	851	553	1190
Murder	15	22	28
Dagga Laws	52	18	11
Rape	33	19	34
Robbery	119	71	100
Drunkenness	451	648	126
Burglary	49	57	36
Theft	482	285	377
Malicious Damage	63	31	72
Bantu Control Laws	5804	7532	17 569
Family Offences	33	3	6
Other	93	24	75

There appears to be considerable increase in the number of violent crimes since 1965. Assault has increased by 39%, rape by 3% and murder by 86%. Even given the large influx of illegal migrants into Langa, these figures are proportionally large for the size of a population of over 50 thousand people. (82)

Also on the increase is the incidence of malicious damage to property which has increased 14%, and Bantu control laws which have increased 202% over the past ten years. Figures for robbery and theft where as not as high as those in 1965, show an increase on 1970 figures.

It is of interest to note that crimes involving dagga, drunkenness, burglary and family offences, are all showing a linear decrease. This could be because there is an increase in more serious crimes and police work is largely directed towards the apprehension of those guilty of such offences.

Annual per capita crime rates show assault rates as 1 : 26, murder as 1 : 1140, rape as 1 : 1000 and, if one takes as a rate for women only 1 : 110, robbery occurs at the rate of 1 : 320, malicious damage as 1 : 444 and Bantu Control laws at the unprecedented rate of 1 : 1,8.

It is of interest also to note the similarities in percentage increases of crime and per capita rates, between Bishop Lavis and Langa despite their ethnic differences. This could indicate the same deficiencies in the physical and social constituents of each community.

Crime Type	Percentage increase since 1965	per capita 1975
Assault	26%	1 : 26
Murder	86%	1 : 1140
Rape	3%	1 : 1000
		1 : 110 (women)
Malicious Damage	14%	1 : 444
Bantu Control Laws	202%	1 : 1,8

It is highly likely, due to the overcrowding problem in Langa and the number of rootless people, that crimes of all types are under reported. For example in a setting where burglary or theft are so common place only the most serious offences are reported.

3.6 Sea Point police district.  
(ii)

Sea Point police district covers an area of roughly 540 Hectares. The area is zoned white and has a White population of approximately 30,000. Figures available for Coloured and African population groups are grossly underenumerated as a result of the large numbers living unofficially in the area. Statistics Department totals of 156 for Coloureds and 836 for Africans in this area are in all probability under-estimated by several thousand.

This is particularly evident when viewing statistics for the number of contraventions of the Bantu Control laws which cited 1345 offences. This is 509 more than the supposed number of Africans living in the area. For the purposes of this study a conservative total of 35 000 will be adopted purely as a means of estimating per capita crime rates.

Crime Incidence was as follows:-

Crime Type	1965	1970	1975
Assault	324	308	207
Murder	3	5	5
Dagga Laws	26	29	36
Rape	11	8	7
Robbery	35	59	37
Drunkenness	1111	1195	3082
Burglary	355	279	313
Theft	1364	1377	1337
Malicious Damage	117	100	73
Bantu Control Laws	190	667	1345
Family offences	28	7	1
Other	113	207	103



The increase of certain specific crimes in Sea Point is of interest in that it appears (and this fact was confirmed by the Sea Point police), that these crimes were committed by people other than Whites. Drunkenness for example, has increased by 179%, and Bantu Control laws by 607%. Other crimes to show an increase were dagga offences 36%, robbery 59% and murder 66%, (although this last figure is not highly significant in view of the fact that it represents an increase of only 2 offences).

The incidence of theft, whilst not showing any significant increase, is nevertheless consistently high and has a per capita rate of 1 : 30.

The per capita rate for drunkenness is extremely high 1 : 13, while those for burglary 1 : 111, robbery 1 : 1947, assault 1 : 167 and malicious damage to property 1 : 479, are significant.

Percentage increases and per capita rates were as follows:-

Crime Type	Percentage increase since 1965	Per capita 1975
Murder	66%	1 : 7000
Dagga Laws	38%	1 : 972
Robbery	5%	1 : 945
Drunkenness	179%	1 : 13
Bantu Control Laws	607%	-

It appears meaningless to compute a per capita rate for offences contravening the Bantu Control Laws, as the majority of the population are not subject to any of these laws.

The antecedents of certain crimes in Sea Point are similar to those found in cities throughout the world, these are: high density living, lack of privacy, architecture, sound and lighting, control of climate, boredom, loss of identity and several others. However, those crimes which show most significant statistics (drunkenness, theft, assault, murder, rape) probably have their origins outside of Sea Point itself. Insufficiencies in African and Coloured Townships outside coupled with a lack of amenities inside Sea Point manifests itself in the high rates of certain crimes.

Whilst crime is acknowledged to be an indicator of social malaise, the processing and analysis of crime statistics in their basic form (i.e. at individual level) in South Africa is the sole prerogative of the central government. Access to this information by local government is limited and crime as a tool for measuring social welfare becomes blunted.

Reasons for withholding information of this nature could be several: that their publication would cause embarrassment to a government which stresses racial harmony, that they would show up basic inequalities, or that they are not deemed to be reliable social indicators. Biderman summarizes this position:-

"Policy makers often fail to use available indicators relevant to consensual problems because they doubt their validity. Similarly doubts prevent them from sponsoring data collection in areas that are not currently the objects of regular inquiry. We should recognize, however, the attacks on the validity of indicators regarding a phenomenon are a recurrently convenient political device to prevent the policy apparatus from taking account of that phenomenon". (83)

What has emerged from research in this field is that the reduction of social problems such as crime can in part be achieved by effective urban planning. At the same time it also appears evident that social problems arise as a result of a lack of effective planning. As Flynn and Flynn state:-

"Some so-called 'malaise' might be due to the way local authority or other services have been administered in the past. It is argued by some that many problems stem from the relative neglect and inefficiency on the part of the local authority in serving the poorer parts of the city, and that this generates alienation, apathy, vandalism and so on". (84)

The administrative failure discussed above is a real phenomenon within the Cape Town Municipality. This is a result partly of inefficiency within the service itself and chiefly (as discussed in previous chapters) because it is unable to administer effectively within the present structure of local government.

The role of municipal planning in the promotion of local well being, will be discussed in the following chapter in terms of various antecedents of criminal behaviour evident (e.g. urban deprivation) in the three areas under investigation.

Chapter 3Notes

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77. G. Retifeop. cit. p. 53.
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CHAPTER 4

Accepting the assertion of the previous section, that crime is an indicator of social welfare, this chapter will attempt to illustrate some of the possible antecedents of criminality in Cape Town and further, will attempt to relate such social malaise as there is, to inadequacies in the structure of government control.

It will be the central contention of this section that elements of the social malaise that is so prominent in African and Coloured townships on the Cape Flats, are at least perpetuated if not in many instances originated by the implementation of certain laws, and inadequate planning (due to insufficient funds and jurisdictional power on the one hand, and a general confusion of the responsibility of control on the other). For, to quote the words of L. Marquard:-

"It is at this stage of local government that many of the problems and difficulties of a multi-racial society are best seen. It is there that national policies impinge most directly on the individuals of all population groups, and that the various laws that constitute national policy, or reveal its absence are given personal significance. The regulations drawn up under these laws by distant departments of state have here to be carried into the lives and homes of human beings in day-to-day administration. It is in the sphere of local government that the social effects of laws and regulations are felt". (1)

Following the pattern of the previous chapter, discussion will be limited to the areas of Bishop Lavis, Langa and Sea Point, as representative of the residences of the major race groups in the City and as illustrations of the manifestation of central and provincial intervention in the local planning process. Inevitably not all limitations discussed in previous sections, will be applicable to these areas; nevertheless, it is felt such manifestations of governmental restriction as are evident, will suffice to support the central contention cited.

Before proceeding to a specific analysis of conditions in Bishop Lavis, it is necessary to discuss the wide range of problems that confront Coloured people throughout the Peninsula. These generalised problems needless to say apply to Bishop Lavis as well, in many instances occurring at levels that are critical.

#### 4.1 Social problems faced by Coloured peoples of the Western Cape.

The Western Cape in terms of central government administrative policy, is a 'Coloured Preference Area'. That is to say Africans are not permitted to compete with Coloureds on an economic basis and are, except in a minority of cases, not permitted to take up permanent residence in the area.

Although never stated, the Western Cape is in effect the closest equivalent to a homeland for Coloureds without of course the potential for 'self-rule'.

Ironically the 'preference' assigned to Coloureds is of a very limited nature and, apart from inconvenience imposed on the urban African as a result of this, is of little consequence. The influences of the policies of separate development however, represent problems, and whilst it is not within the scope or purpose of this investigation to broach this topic in any detail, some comment is of value, if not essential for the understanding of the general restrictions facing the Coloured and African peoples.

#### 4.1 Urbanisation and Population Growth.

##### (i)

Brief mention was made in Chapter Two to the problems of urbanisation and accelerating population growth, and this warrants some elaboration. The Coloured population for the Cape Town metropolitan area (620 980 at the 1970 Census) is expected to more than double by the turn of the century. (2) This will come about as a result of natural increase (3.5% per annum) and in-migration from rural areas.

This is perhaps typical of city growth in many parts of the world. In one respect however, the situation in Cape Town and other South African cities is something of an anomaly. Urbanisation in these major cities is proceeding along the lines of economically advanced nations, with the ensuing growth of technology and industry and rising standards of living. At the same time the rural areas of the country - as well as those areas peripheral to the cities - are progressing along the lines of economically developing countries. Consequently the drift to the cities by the differing population groups, confronts authorities with vastly differing problems.

This analysis of the urban situation, discussed by Professor Cilliers in a paper to a symposium of the Cape Chamber of Commerce (November 1973) demonstrates that while Whites are being drawn to the metropolitan areas by economic forces of concentration, Coloureds and Africans are forced from the rural areas to the cities by population pressure. Cape Town, as Cilliers elucidates:-

".... occupies a complex position somewhere between the advance and the underdeveloped areas. In some respects we are in line with the advanced areas, while in other respects our position is similar to those in underdeveloped areas. The result is that we are simultaneously confronted by both sets of problems typical of urbanisation in advanced areas.



At the same time we are also faced with the physical, economic, social and political problems typical of urbanisation in under-developed areas". (3)

4.1 Housing Shortages.  
(ii)

One of the most serious problems to accompany this rapid urbanisation, is the critical shortage of housing for Coloureds and Africans in the Peninsula. The housing backlog for Greater Cape Town is such that some 150 000 people are (4) currently in need of housing.

The consequences of this shortage are severe as evidenced by the growing number of squatter camps and excessive overcrowding in existing housing estates. This in turn takes its toll on the social fabric of the society, which suffers directly as a consequence.

Dr. Margaret Nash, in a study on housing in the Cape Peninsula, categorised the costs of poor and inadequate housing under the following headings:- (5)

- 1) Social cost - the disruption of family life- the most fundamental unit of societal order - breaks down the patterns of institutionalisation and inculcation of social norms. It follows that any "benefits accruing from the institution and extension of health, social and educational services to the community are made largely ineffective if people are not adequately housed". (6)
- 2) Socio-economic cost - the breakdown in social order that results from insecurity and lack of social cohesion, leads to a loss of life and property, and financial costs in the form of policing; treatment of casualties; detection, sentencing and custody of offenders as well as their rehabilitation.

- 3) Economic cost - bad housing contributes directly and substantially to low productivity and manifests itself in absenteeism, late arrivals, high labour turnover, and low physical and mental performance levels. Furthermore the distributive industry suffers as a result of the limited purchase of consumer durables by people living under depressed socio-economic conditions.

4.1 Limitations on Municipal Housing.  
(iii)

This general housing shortage with all its entailing ills, is aggravated by the implementation of the Group Areas Act, which forceably moved people from established areas to new townships on the Cape Flats. Apart from the social trauma of such moves - previously discussed - any local government building project intended to reduce the housing backlog, is retarded by the imposition of a 30-50% allocation of houses for those displaced under the Act.

Dr S Morris the former City Engineer states in confirmation of this:-

"The Council has had to allocate 50% of its output to Group Areas. The Council has housed 9 910 "Group Areas" tenants - about one third of the backlog - or about three years' output of dwellings at our normal building rate. Until such time as Group Areas movement is either complete or halted, no real progress can be made at present output rates". (7)

The City's housing programs are further restricted by the lack of sufficient financial assistance from the National Housing Commission. This not only limits the number of houses that can be built, but also places constraints on the size and quality of dwellings that the municipality can afford to construct. It was this general limitation which prompted Dr Morris to state on numerous occasions, that in Cape Town "there is really no housing problem, only a money for housing problem". (8)

4.1 Lack of Commercial Enterprise.  
(iv)

Yet another consequence of the Group Areas Act is the stinting of commercial enterprise within the housing estates. This is so because the Act prohibits White enterprises within Coloured areas. As the majority of large business corporations in the City are White owned, the outcome has been the development of large dormitory suburbs with insufficient shopping facilities.

At the same time insufficient funds are made available by the Coloured Development Corporation for loans for the establishment of commercial enterprises by the Coloured business.

This apparent contradiction of the ideology of 'separate but equal' development of race groups, is evident in much of the allocation of residential areas, beaches and amenities in Coloured Group Areas. This state of affairs extends particularly to the zoning of Coloured townships away from established commercial centres, resulting in increased transport costs for commuters. At the same time those townships that are zoned close to work centres are generally in proximity to industrial areas.

Problems of Group Areas Delimitation.

This, as Cilliers points out, is an indication that in the delimitation of group areas, general assumptions were made with regards to the kinds of activities in which particular race groups are mainly involved. "In the case of the Coloured people", he states "an examination of Group Areas allocation in the centres of main concentration for this group indicates, that the assumption was that this population group is and will continue to be primarily involved in industrial activities". (9)

This delimitation militates against the continuous and rapid shift of Coloured workers from blue to white collar employment. As Cilliers states:-

"The net effect of this had been that, while Coloured residential areas have increasingly been located in favourable juxtaposition vis-a-vis industrial areas, inadequate provision was made for the residential location of the rapidly increasing masses of middle and lower-middle class white-collar Coloured workers". (10)

Bearing in mind that it is from this level of social stratification, that the professional and technical sector will generally originate, this represents a threat to the advancement of the community as a whole.

#### 4.1 Lack of Social Stratification. (vi)

A further hinderance to this developing middle class, is the limitation of social mobility and structural differentiation within the community. As housing (rental) within an area is allocated according to an applicants position on council waiting lists, there is little opportunity of the differentiation of social strata. This absence of prerogative in the choice of neighbourhood or neighbours provides little scope for individual families to upgrade their standing and for communities to develop a sense of identity, which is crucial for the maintenance of order and stability. (11)

#### 4.1 Further Restricting Factors. (vii)

The restrictions of the Group Areas Act and the general shortage of housing beside, numerous other restricting factors face the Coloured community including poor education, lack of work opportunities, job restriction, poverty and, as a function of all these, poor health. (12) Professor Cilliers summarised some of these problems as follows:-

"The acute shortage of developed public amenities in Coloured housing schemes and private townships is well known. Apart from the fact that the minimum standard of provision prescribed is in many respects very low, inadequate funds often results in such amenities not being developed fully. The backlog in educational provision is such that compulsory education can only now be introduced on a progressive scale. The result is that most schools are overpopulated and many have to work double shifts. Given the high birth rate and the high proportion of economically active Coloured women, the provision of creches and nursery schools are most inadequate. Civic amenities such as theatres, cinemas, etc. are inadequate, and there are not enough full scale civic centres providing a variety of services. Passive open spaces have not been developed at all, while active open spaces are either inadequately provisioned or not properly supervised. Street lighting is often either non-existent or low-powered, while streets and pavements are very often not properly surfaced and maintained". (13)

To add to this list of Coloured grievances, they are denied the opportunity of sharing in the national decision making process and lack an effective say in the allocation of areas or amenities - the Coloured Management Committees having been discounted as a less than adequate channel of remonstrance. (14)

#### 4.2 Erika Theron Commission.

Among the most important of the 178 recommendations tabled in Parliament by the Erika Theron Commission of Enquiry into matters relating to the Coloured population were the following:-

- (a) "With a view to the further extension of the political civil rights of Coloured people and the creation of opportunities for more constructive participation and co-operation, provision be made for satisfactory forms of direct Coloured representation and a direct say for Coloured people at the various levels of government and on the various decision-making bodies." (15)



- (b) "The Population Registration Act be so amended as to make both acceptance and descent criteria for purposes of population classification". (Ch. 2. No. 2.).
- (c) "The Prohibition of Mixed Marriages Act as well as section 16 of the Immorality Act be repealed". (Ch. 2. No. 4.).
- (d) "The Group Areas Act be so amended that a local authority may generally authorise the use thereof by members of other population groups even though such facility is situated in a proclaimed group area". (Ch. 2. No. 5 (b).).
- (e) "The amenities to which the powers provided for in the Reservation of Separate Amenities Act are applied (e.g. public premises or buildings, certain transport facilities etc.) be reduced on a selective basis". (Ch. 2. No. 6.).
- (f) "As a matter of high priority, any differences in salaries, wages and other conditions of service, as between, Whites and Coloureds, be eliminated as soon as possible in all spheres by making equal salaries wages and conditions of service (including opportunities for advancement) applicable to the same work, wherever qualifications, merit and efficiency are also equal". (Ch. 2. No. 8.).
- (g) "The Industrial Conciliation Act (Act 28 of 1956) be so amended that the establishment of mixed trade unions with White and Coloured membership will again be possible, and that there shall be no restriction on Coloured membership of trade union executive committees either". (Ch. 5. No. 40.).
- (h) "Institutions (private schools) that wish to admit Coloured pupils be allowed to do so without interference from the State". (Ch. 8. No. 80.).
- (i) "All Universities be thrown open to Coloured students (post-graduate and graduate)". (Ch. 8 No. 94.).
- (j) "District Six, together with the areas known as Woodstock (now White) and Salt River (now controlled), be declared Coloured group areas". (Ch. 9. No. 115.).
- (k) "So far as international sport is concerned the selection of teams on merit rather than the composition of invitation teams be accepted as the basic policy .... Mixed sport between Whites and Coloureds at the lower levels be left as far as possible to the Clubs and associations concerned". (Ch. 14. No. 171. (d) (e).).

Despite the acceptance of the majority of the Commission's recommendations, these major recommendations were rejected by the central government.

#### 4.2 The Crime Problem. (1)

Of considerable significance in the Commission's report is the fact that high crime rates emerged as one of the major grievances of the Coloured population group. The following excerpt from the Chapter "Social Problems and Welfare Services" serves to confirm this fact:-

"Offences are mostly connected with liquor and drugs, violence and theft. The high incidence of juvenile delinquency in particular is giving rise to concern. The following were mentioned as causes of this phenomenon: socio-economic conditions, such as poor housing, disruption of families and communities as a result of group area removals, lack or inadequacy of recreational facilities and community amenities, and inadequate police protection in the Coloured areas". (16)

These findings would appear to support contentions made in the previous chapter, that crime in Cape Town is inter alia a function of environment and the social stability of the community. As such the omnipresence of violence and lawlessness in the Coloured community speaks forcefully of existent social malaise, and in the search for causes, some solution might be found in governmental and administrative neglect.

The preceding will suffice as a background with which to proceed to a more specific investigation of the implications of this neglect.

#### 4.3 Bishop Lavis/Bonteheuwel.

The Bishop Lavis Police district as discussed in the previous chapter incorporates the townships of Bishop Lavis as well as Bonteheuwel and Kalksteenfontein (which for the purposes of this study will be referred to as Bonteheuwel).

#### 4.3 Bishop Lavis Township.

(i)

The Bishop Lavis township (proper) which falls outside the Cape Town Municipal boundary, was financed and built by the Citizen's Housing League and completed in 1964. Because the Citizen's Housing League is a private corporation and to a large extent privately financed, building standards in the area appear to be higher than those in City Council housing schemes, and the general living environment appears more conducive to social stability. The NICRO report on "Crime on the Cape Flats" says of this area:-

"This is a relatively neat and attractive township. The houses appear to be sturdy and well built which is probably the result of superior quality materials being used in their building, as compared to the materials used in the newer townships. There are trees growing in the vicinity which relaxes the starkness of the sandy terrain. Residents seem to take pride in their homes judging by the well-kept gardens and the elaborate fences that have been erected. There is a small home ownership scheme, which raises the standard of care and attention paid to the maintenance of the houses. At the time of observation most of the children were assumed to be either at schools or creches as very few were seen playing in the streets. The general impression is one of a fairly old and well established township where the residents have integrated themselves into community life". (17)

From the above and further evidence in the NICRO report, it emerges that Bishop Lavis is less criminogenic than the neighbouring Bonteheuwel, not only in terms of the built environment, but also in the number of crimes perpetuated in the area. As the area is outside the City's jurisdictional boundaries, and in view of its more integrated social structure, it will be excluded from further discussion, and attention focused on Bonteheuwel.

#### 4.4 Bonteheuwel.

The major construction of housing in Bonteheuwel Township commenced in 1961 and was completed in 1964. Housing in the Kalksteenfontein portion however was only completed in 1974, while additional dwellings in the form of 'in-fills' are still being constructed in an effort to diminish the backlog of housing by increasing the density of the area. The township was constructed on the basis of the maximum housing amenities then permitted for large housing schemes funded by the National Housing Commission.

#### 4.4 Resettlement Area. (i)

Bonteheuwel was declared a Group Area in 1965 and at that time 20% of all dwellings constructed had to be allocated to people unsettled by the Group Areas Act. This allocation was subsequently increased with the increasing resettlement of Coloured residential areas. Although not specifically set aside as a resettlement area for people removed from District Six, many of these people were rehoused in Bonteheuwel.

The detrimental effects of such rehousing on community cohesion have previously been discussed and apply in no lesser extent to Bonteheuwel. Dr. O.D. Wollheim referring to Bonteheuwel in a speech on the effects of Group Areas removals, stated:-



"My quarrel with the Department of Community Development has always been that it looks on a township as being a community, irrespective of the people or their spirit. A community is a tightly-knit group, and sometimes takes two or three generations to achieve". (18)

He continued that the allocation of fifty per cent of all houses built by the Cape Town City Council for removals under the Group Areas Act, were unnecessary because Coloured people in many areas such as Claremont, Sea Point and Newlands were often adequately housed at the time of their resettlement.

#### 4.4 Absence of Home Ownership Housing. (ii)

The above situation is aggravated by the complete absence of home ownership housing. This chiefly so because Bonteheuwel has not yet been passed as a local authority area, a necessity for the transfer of home ownership rights. (19) Such an undertaking is the responsibility of the Administration of Coloured Affairs. At the same time the City cannot begin to prepare the area for municipal status - by detailed surveying - because of a lack of funds.

#### 4.4 Overcrowding. (iii)

Coupled with the lack of home ownership is a general occurrence of overcrowding. The average of between 4 and 9 persons per dwelling becomes critical when it is known that 50% of dwellings in the area have two or less rooms. The Provincial Administration Committee of Enquiry into Amenities on the Cape Flats, noted that general overcrowding in the various townships were not desirable conditions on which to base future planning. In this report special reference was made to Bonteheuwel which ".... has been built since 1960 and the groups density is now in the neighbourhood of 45 persons per acre, but the household size is about 7 which cannot be considered the optimum in relation to the small size of the dwellings". (20)



The effects of this overcrowding on normative behaviour is highlighted by the NICRO report which stresses the social costs of the transgression of areas of 'defensible space'. (21)  
The report states:-

"One of the factors resulting from overcrowding is the lack of privacy. It is the frustration at not being able to satisfy those needs for independence, self-esteem and security which are generated by the lack of privacy that facilitate aggression and violence. Basic human functions which by their nature are private cease to be so in such an environment. Children who are often made to be felt unwanted and a nuisance in the home, are pushed out of the house, to seek recreation on the streets at an early age. Reared under these unfavourable conditions which are accepted by the victim (i.e. the children) as the norm rather than the exception, criminal behaviour is regarded as a natural consequence". (22)

In an attempt to alleviate this housing shortage and contingent overcrowding, the City Council undertook to raise the density of the area by building single and double maisonettes between existing sub-economic units. The decision to implement this 'in fill' scheme was motivated by the lack of zoned Coloured residential areas in close proximity to the city centre. In defence of the scheme, the then Chairman of the City Council Housing Committee, Major A.Z. Berman, stated that the municipality was hemmed in by the mountains and the sea and "Apart from the infill schemes there isn't a square inch of ground for Coloured housing". (23)

He contended furthermore, that the municipality could not absorb land from adjacent local authorities as they had no land available for Coloured housing either. He also made mention of the fact that a resolution moved by the Council asking the Government to return District Six to the Coloured people, had come to nought.

The 'in fill' scheme met with considerable opposition from the residents of Bonteheuwel who argued that an influx of residents would disrupt settled communities. This discontent was noted in an editorial by the Cape Times Municipal Reporter. He wrote that it was unlikely that the Council would continue to entertain the idea of an 'in fill' scheme against such vociferous opposition were it not for the critical shortage of Coloured housing in the Peninsula. He concluded, "That viewed with hindsight much of the opposition to the Bonteheuwel plan seems to be an almost inevitable consequence of the artificial division of the indivisible City, a reaction to compartmentalisation and (real or imagined) victimization". (24)

#### 4.4 Local Grievances. (iv)

In petitions to the City Council by the residents of Bonteheuwel numerous other local grievances came to the fore. Among the most significant of these were:-

#### 4.4 Inadequate Educational Facilities. (v)

The inadequate educational facilities provided for the area. Schools were overcrowded, and in certain instances the teacher/pupil ratio was excessively high. Many schools had to operate double shifts to accommodate all their pupils. Compulsory education extended only to the lowest standards of education and the drop out rate in late primary and early secondary schools was very high.

A further problem in this sphere, brought to light by the Institute for Social Development (University of the Western Cape), is that not only is the ratio of pupils to local population abnormally high in Bonteheuwel, but the ratio of high school pupils to primary school pupils is far higher than usual. (25)

Speculating that this factor had some significance for an explanation of the severity of recent riots in the area, they note that .... "The 'explosiveness' inherent in this relationship is aggravated by the working class environment and the absence of any strong community organisations or local action groups ....". (26) This last point will be discussed in more detail later in this section.

The responsibility for the provision of education facilities is the function of the Administrator of Coloured Affairs and as a consequence falls outside the City's jurisdiction.

#### 4.4 Insufficient Health and Welfare Services. (vi)

Health services in the area comprise two Maternal and Child Welfare Clinics run by the City, and a Day Hospital run by the Provincial Administration. These facilities are generally adequate, in contrast to the lack of social work and social workers in the area. The City by legislative definition does not employ any social workers as this is the responsibility of the Department of Social Welfare and Pensions and private organisations.

Apart from the activities of a few private welfare organisations, there is insufficient work of this nature undertaken in the area. Such welfare amenities as there are in the area are unco-ordinated and random, and as pointed out in numerous instances by the NICRO crime report, are unable to fulfill their considerable potential for stabilizing social behaviour. This state of affairs motivated the report to recommend as a matter of urgency:-

"That a central controlling and co-ordinating social body be established on the Cape Flats within which all welfare and preventative services are amalgamated and from which they are directed, thus avoiding unnecessary duplication, and facilitating the extension of services to a larger public". (27) (28)

4.4 Poor Roads and Street Lighting.  
(vii)

Poor roads, pavements and street lighting were cited by residents as being major problems in Bonteheuwel. Roads were found to be in disrepair, and in many instances so narrow as to cause traffic congestion, while many streets had no kerbs or laid pavement. This resulted in considerable sand and dust in summer and flooding in winter. At the same time poor street lighting was felt to encourage the activities of criminal gangs in the township and rendered many areas unsafe at night. In answering these claims, the then City Engineer, Dr. Morris, conceded most of these deficiencies but stressed that these were the result of financial shortages and not municipal negligence. (29)

4.4 Inadequate Policing.  
(viii)

Inadequate policing in the area has been found to be a highly significant cause of residents' dissatisfaction. Bonteheuwel as previously stated, is served by Bishop Lavis police station and as a consequence, residents feel there are insufficient patrols in the area. This factor combined with the limited number of public telephones in the area ( there are four ) are felt to contribute to high crime rates. In a NICRO survey of Bonteheuwel 96% of the people interviewed, stated that they would feel more secure if there was a police station in the area. (30)

The decision to establish a police station in Bonteheuwel, as well as the decision to increase police patrols, is the prerogative of the Department of Justice.

Apart from the above four grievances, there are several other factors which act to inconvenience the township's residents and so as a consequence, inhibit social stability.

#### 4.4 Utilisation of Open Space. (ix)

The general layout of the area as a township from the point of urban planning, may be regarded as relatively progressive to other suburbs in great Cape Town. (31) That is to say the area was planned in a systematic way to establish a large suburb ".... consisting of four major clusters as well as a central area with sufficient through traffic access (rail and freeway)". (32) Despite this however, the utilisation of open spaces in the area leaves much to be desired. Due to the lack of funds and the absence of private enterprise, these open spaces - the haunts of gangs - become a danger to the community rather than a functional advantage.

#### 4.4 Limited Business Enterprise. (x)

The prohibition of all but Coloured business enterprise in the area, has resulted in a commercial sector that is inadequate for the townships 42 000 people. Shopping for the most part is limited to small "corner shops" (which supply a narrow range of goods), there is no petrol/service station (despite the several thousand cars in the area) and there are no formal banking services. (33)

#### 4.4 Absence of Community Spirit. (xi)

The most striking lack in Bonteheuwel however is not one of physical amenities, but rather it is the absence of any real community spirit. (34) This inevitably, is the outcome of many of the problems previously discussed, but it is aggravated by a lack of recreational facilities (to focalise communal involvement) and the absence of any civic groups to represent local interests. With regard to this last point, it is ironical that the recent riots, which inevitably became a reaction to local grievances as well as to broader civil issues, served to strengthen community sentiment in the area, if only temporarily.



The outcome of conditions described above, as evident from the statistics of the previous chapter, is an escalation in the rates of crime and the degeneration of both the physical environment and the social morals of the inhabitants. Such a fear was expressed by Mrs Catherine Taylor, the then United Party MP for Wynberg, in a speech in Parliament in 1973. Describing the houses in the township as dreary identical rectangular blocks that are colourless, impersonal and remote, she went on to say:-

"There is a real danger that in the next few years Bonteheuwel and similar townships will have degenerated into slums. No planned attempt has been made to build these community development houses round a community itself.

More than half of the Cape Town City Council's waiting list for Coloured housing are living in White group areas. Many are in perfectly good houses, and it is these who receive priority to move to the new townships. At the same time there are an estimated 33 000 Coloured families living in almost impossibly squalid conditions outside the White areas who are in the most urgent need of housing relief.

The Council is not to blame - its hands are tied. Society is horribly scarred by violence and one of the greatest causes of crime is an absence of individual and community pride". (35)

#### 4.4 Synopsis. (xii)

A synopsis of the fields of control of the various authorities active in Bonteheuwel, serves to illustrate the complexities involved in municipal administration of the area:-

- 1) Bonteheuwel is administered by the Cape Town City Council.

- 2) It was constructed by funds provided by the National Housing Commission (Department of Community Development), a factor which determined quantity and quality of dwellings.
- 3) A portion of all housing was allocated to people unsettled by the Group Areas Act - areas delineated by the Department of Planning and the Environment and resettlement by the Department of Community Development.
- 4) Education, which was found to be inadequate, is provided by the Administration of Coloured Affairs.
- 5) General amenities are provided by the City, which in many instances has insufficient funds to carry out its functions effectively.
- 6) The area has not been passed as a local authority area by the Administration of Coloured Affairs and this limits the possibilities of civic representation and redress.
- 7) Commercial enterprise is restricted by the Department of Community Development, and promoted by the Coloured Development Corporation.
- 8) Welfare organisations by legislation of the Department of Welfare and Pensions, is limited to private agencies partially subsidised by the State.
- 9) Health Clinics are run by the City as well as the Provincial Administration.
- 10) Policing, which was found to be insufficient, is the responsibility of the Department of Justice.

From the above, it can be seen that many of key determinants of social stability in Bonteheuwel are beyond local government control, and as there is no co-ordinating body to plan these services along corporate lines, the social cost of fragmented administration are likely to escalate in the light of growing militancy among the Coloured people.

#### 4.5 Langa.

Langa African township was built in the 1920's with its first inhabitants taking up residence in 1927. Initially it was planned on a small and temporary basis, but the continuous influx of Africans from the rural areas necessitated the construction of considerably more dwellings than was first intended.

From the map in the previous chapter it can be seen that Langa falls within the Cape Town municipal boundary. At the outset responsibility for the administration of the area was born by the City, which undertook not only to provide housing and all its entailing amenities but also to provide schools, civic halls, clinics, creches, community centres as well as building for business enterprises.

Despite extensive municipal involvement in the area, the advent of the policies of separate development marked an increase of central government control over the area. Many of these central impositions were similar to those found in Coloured townships. For example the zoning of African areas was the prerogative of the Department of Native Affairs, and all funds for the construction of housing had to be provided by the National Housing Commission. Increasing State intervention placed increasing constraints on municipal planning and conditions were developing similar to those in many Coloured areas.

However in 1972, the City Council undertook to fulfill the shortfall in many of the necessary amenities. The budget - which dominated the City's capital expenditure - proposed the development of a range of facilities including an hotel, civic centres, recreation centres, milk bars and centres to care for young children, while still further funds were set aside for school amenities.

#### 4.5 Bantu Administration Board Take Over.

(i)

The provision of many of these amenities was forestalled in 1973 by the State decision to relinquish municipal control of all African townships to the Bantu Administration Board for the Western Cape. In terms of the Bantu Affairs Administration Act No. 45 of 1971:-

"(2) Any rights, powers, functions, duties and obligations with which a board is vested and charged by virtue of sub-section 1 (e) shall devolve upon such board to the exclusion of any body or authority mentioned in that sub-section". (36)

The State take over of Langa was a source of considerable regret to the City's Councillors in that it amounted to an excision of a portion of the City's citizenry. Commenting on the take over the then Chairman of the Housing and Bantu Affairs Committee, Major A.Z. Berman stated that the Council's approach to the area had been sympathetic and humane, and costs for amenities and facilities had been subsidised by funds derived outside the area. A practice which he felt the new board would be unlikely to continue. (37)

From 1973 onwards the City had no further involvement in Langa apart from the provision of a few basic services including water, electricity and sewerage.

#### 4.5 Lack of Finance and Ensuing Problems.

(ii)

In general conditions have not improved since the Bantu Administration Board commenced administration of the area. This is due not to administration deficiencies on the part of the Board, but to an increase of population disproportionate to the provision of facilities. This is largely so because it is required to be self-financing, covering the costs of all capital expenditure from monies accrued from such sources as rental and the sale of Bantu beer.

The Board currently faces a deficit of R994 222 on housing services and amenities. (38) To add to this, there is a real shortage of capital for African housing even at an economic rate. No provision exists for sub-economic loans from the government, in that land for the townships was provided free, and therefore costs - on which rentals are based - are lower than for Coloured housing. (39)

4.5 Lack of Housing and Overcrowding.  
(iii)

Generally housing in the area is substandard and is accompanied by chronic overcrowding. Official figures yield an average of 6.7 persons per house, while a study by R.N. Granelli estimated that the actual average number of persons occupying a house was closer to eleven. (40) The majority of these houses have no electricity, internal plumbing or sanitary services. The barrack like single quarters for migrant workers, are also greatly overcrowded and squalid, and in the words of Granelli ".... lack the basic facilities to provide for privacy, hygiene and cleanliness, warmth and comfort". (41)

It remains needless to say that no home ownership exists in Langa, as in terms of the influx control measures, no African can obtain freehold rights in a White urban area. Thus all buildings (with the possible exception of churches) and property are owned by the Board.

4.5 Inadequate Schooling Facilities.  
(iv)

Schooling facilities in the area are poor and were found by the Cape Synod of the Dutch Reformed Church to be ".... completely inadequate to meet the needs of the population". (42) The lack of amenities, combined with impractical curricula and poor administration of schooling were the major sources of dissatisfaction among African youths in the township, and were one of the causes of protest marches prior to the riots.



4.5 General Grievances of the Urban African.  
(v)

Apart from the above there are, as in Coloured areas, a general range of disabilities which confront Africans living in Greater Cape Town. As previously stated, the Western Cape is a Coloured preference area and Africans are permitted in the area only for limited work periods. Various other disabilities are summarised by Dr. Nash as follows:- (43)

- (1) Influx control measure: which rob residents of job mobility ".... and constantly expose them to authoritarian treatment on the part of officials and law enforcement officers". (p.57)
- (2) Official discrimination: on the basis of the Coloured preference area policy. Africans are restricted in virtually every sphere of life including work opportunities, leasehold rights, education etc.
- (3) Removals under the Group Areas Act: the deportation of families to the homelands and the return of men as migrant workers, has a highly disruptive influence on the community.
- (4) Poverty: the lack of job opportunity combined with the lack of education provides limited channels for social advancement, and so perpetuates the cycle of deprivation.
- (5) Ill health: the outcome of poor housing, malnutrition and lack of settled family life.
- (6) Lack of family life: nearly 80 per cent of African men 'legally' living in Cape Town, are living in single quarters and are separated from their families for 11 months per year.
- (7) Alcoholism and consumerism, serve to squander wages and are the product of ill education, deprivation and the wiles of Big Business.
- (8) Frustration, apathy and despair: largely the product of previous disabilities cited, it is accentuated by the inhibition of natural community leadership. This is because of the small proportion of educated and professional men able to assume urban leadership roles, and the transitory status of the majority of inhabitants.

The outcome of the preceeding disabilities and the general underprivileged status of the area is, as evident from the statistics cited in the previous chapter, a crime rate that is one of the highest in the country.

4.5 High Rate of Crime.  
(vi)

Furthermore it must be stated that while crime rates in Langa as in Bonteheuwel are themselves high, these areas serve as generation areas for criminal activities. That is to say, individuals brought up in these under privileged areas who turn to crime, often conduct their criminal activities outside their home areas, often, in White zoned areas. The outcome of this is that the community of Cape Town as a whole is subjected to criminal acts. Sir Kenneth Younger, in a paper on "The Causes of Crime in an Urban Society", states:-

"When one looks at the case history of those who have been convicted of serious crime, and considers the socio-economic background and the social groups and communities from which they come then one can scarcely avoid the conclusions that many causes of crime must be sought in the general conditions of these communities, the alienation suffered by many in under privileged areas, and, almost above all, in the boredom and frustration of the energies of so many. The lack of services and amenities, at the early stage of a person's life, causes him to be handicapped and ill-equipped. Crime prevention, therefore, requires nothing less than all round social action". (44)

This situation is aggravated by a very real sense of relative deprivation. That is to say as economic standards slowly increase, both Coloured and African people who previously had no real means of comparing their social condition with that of Whites (because of extreme poverty) become more actively aware of their own deprived state. This can result in either despair or militant criminality.

In an interview with the Argus on "Crime in African Townships", and Anglican priest in Langa confirmed the view that the conditions within these townships left inhabitants with few alternatives to crime:-

"Job reservation meant that even the semi-skilled could not find rewarding work and the only alternative was to take from others in acts of crime. Money and valuables were so easily obtainable that theft and robbery had become careers for many who found a life of crime to offer security and a good future in the townships.

Father Nkowane said this resulted in a life of terror for thousands who had nowhere else to live and were constantly having to hand over what they had to armed thugs. Death was frequent and funerals took place every Saturday.

The situation was such that life had become a hopeless existence for those with no choice, and still others who would have liked a good life were turning to crime 'because there is little else for them'. (45)

Various resolutions for these problems have been proposed for both the Coloured and African communities. Among those enunciated by Professor Cilliers, NICRO and the Theron Commission were: education, housing development, basic amenities and services and increased salaries.

#### 4.5 Synopsis. (vii)

The factor of greatest concern to the Cape Town City Council, is that Langa falls squarely within its boundaries and yet is beyond its jurisdictional control. This is the source of considerable dissatisfaction in that the area is not, from all evidence, well provided for and social conditions in many sectors are bad. Evidence further supports the contention that Langa is a generation area for criminals who not only

commit crimes within the townships, but extend their activities to other sectors of the community.

From the point of view of counter-active planning however, the matter is beyond local government control.

#### 4.6 Sea Point.

Unlike the previous two sections which dealt with the ongoing conflict between municipal planning needs and fragmented governmental control, this section will deal with only one specific issue of conflict between local government and State departments.

While the issue itself is likely to be resolved in one form or another in the foreseeable future, it serves to illustrate the general restrictions that stand in the way of apparently straight forward matters of urban planning. The most significant restrictions to the planning process in this instance, are similar to those found in numerous other projects undertaken by the municipality but which are not generally publicised.

#### 4.6 The Problem. (i)

Sea Point is one of the most attractive residential suburbs of Cape Town, having a pleasant climate and ready access to the central city. The area is zoned White and planned as a high density residential area, with a gross population of between 44 and 165 persons per hectare. The population of the area generates a large proportion of servants and other service workers, mainly recruited from the Coloured and African communities, and this section of the population in turn attract friends and visitors of their own race. The resultant concentration of Coloured and African people in the area, where there are no facilities for their recreation has, in the words of the City Engineer of Cape Town:-

".... resulted in the use of streets and public places for recreational and other purposes in a manner that is felt to be inconsistent with their intended usage and in an area where such facilities in relation to the White population of the area are already in short supply". (46)

The situation has furthermore been aggravated by workers, displaced from accommodation areas in close proximity to the city, using Sea Point as a residential area by occupying staff and servants rooms in existing buildings.

The congregation of large numbers of Black people - in all probability several thousand - without facilities for eating, drinking or amusement but with free access to nine or ten liquor outlets, has had inevitable consequences for social deviance in the area. The statistics of the previous chapter show escalating rates of drunkenness, robbery and offences against the Bantu control laws, and high per capita rates for theft, burglary and malicious damage to property.

Whereas many of these crimes will continue to be committed, regardless of the provision of amenities, it is a certain that a significant portion of less serious crimes (drunkenness, theft and malicious damage to property), could be averted by the establishment of some facilities for Blacks in the area.

#### 4.6 Council Proposals. (ii)

Cognizance of this fact was taken by the City's Engineer's Department, and at the beginning of 1973, following on repeated appeals from the Press and members of the public for amenities for Blacks in Sea Point, the City Council proposed establishing a recreational centre for Coloureds at Green Point Track (an old sports stadium).

#### 4.6 Provincial Reaction. (iii)

The Council's proposals were suspended by the Provincial Administrator pending an enquiry into the interests of various State departments in the matter.



4.6 State Reaction - Department of Community Development.  
(iv)

The proposal was met with opposition from the Department of Community Development which stated in terms of State policy, that the Department would be unable to support the City's intentions on the grounds that:-

- 1) It would draw Coloured people from elsewhere which would make for congestion in an already crowded White area.
- 2) The track is in the heart of a White group area and the provision of recreational facilities on a communal basis there for members of the Coloured group would be an unforgiveable deviation from the whole concept of group area implementation.
- 3) An absolute stonewall resistance against any possible move for the deproclamation, of that little region for Whites and the reproclamation thereof for Coloureds, must quite obviously be expected. (47)

4.6 Department of Coloured Relations and Rhehoboth Affairs.  
(v)

In August of 1973 the Executive Committee of the Council held discussions with the secretary for Community Development and the acting secretary for Coloured Relations and Rhehoboth affairs, wherein the need for amenities was conceded. The council was however, urged to consider the provision of facilities on a decentralised basis.

4.6 Coloured Development Corporation.  
(vi)

At the same time it was stressed that the Coloured Development Corporation could not spend money on facilities for Coloured people except in a proclaimed Coloured Group Area, and since Sea Point was proclaimed for White occupation, facilities could not be provided by the Corporation. As such amenities would have to be provided by the Council or private developers, on the understanding that the Department of Community Development would issued permits for cases of reasonable merit. (48)

4.6 Department of Bantu Affairs.  
(vii)

The provision of amenities for Africans amounted to the same needs as those for Coloureds, but had to be approached separately. In May 1973, the then Deputy Minister of Bantu Affairs, Mr Jansen held a meeting with the Town Clerk, wherein he expressed his concern at the lack of facilities available for African workers in Sea Point during off duty hours. Furthermore he suggested the appointment of a committee, consisting of Council representatives and the Chief Bantu Affairs Commissioner, to consider proposals on this matter. (49)

In February, 1974, however, following on proposals for the establishment of a cinema for Blacks in Sea Point, he defined more precisely what amenities he felt should be provided. Speaking in Parliament he stated, that it was the greatest nonsense to say the Government wished to provide a cinema, a skating rink or a dance hall for Africans in Sea Point. (50)

Of the establishment of a cinema for Blacks, by a private enterprise, the Deputy Minister said, "Of course there is money to be made out of a bioscope. But this Government will not allow the Bantu to be exploited by capitalists who want to make money". He continued that a cinema would be provided for Africans in Langa, and Africans who for various reasons lived in Sea Point could go to Langa to see cinema shows just as easily as they could come from Langa to Sea Point. At the same time he issued a warning that he did not wish to interfere with the affairs of local administrations or the provincial councils as he knew these bodies had a difficult task to perform and they were doing this with distinction. But, he stressed, if a body deviated from Government policy, the Government would not hesitate to step in and correct it.

In a subsequent letter to the Town Clerk the Deputy Minister explained, that when he had asked the Council to provide facilities for Africans in Sea Point:-

".... he had nothing more in mind than a simple eating-house for Bantu workers on building construction, and that this in any case would have to close at 8 p.m. He did not envisage amenities such as Bantu cinemas in this area". (51)

4.6 Political Implications.  
(viii)

The provision of Black amenities sparked a controversy which developed into an important issue in the national elections imminent at that time. This factor motivated the United Party MP for Green Point, Mr Lionel Murray, to publicly state that the City Council should have sole discretion in the provision of amenities for Blacks in Sea Point and should not be submitted to government or provincial interference. (52)

At the same time the rejection by the Green and Sea Point Ratepayers Association, of all three sites suggested by the City for development as recreation centres for Blacks, served to support government views on the matter. As a result of this civic pressure, the City had to back down on its proposals for recreation centres within Sea Point, and had to seek alternative sites on the periphery of the suburb.

4.6 City Engineers Department Survey.  
(iv)

As an outcome of opposition from the State from above and rate-payers from below, the City Engineer's Department undertook to conduct an extensive survey of the area and its needs, in an attempt to find an acceptable solution to the problem.

A review of certain of the terms of reference laid out for the survey, indicates the restraints under which the City was operating. They also indicate the general confusion and uncertainty that arose as a result of the dictates (several of which appear to be contradictory) of the Provincial Administration and various State department:

"Council's efforts to provide non-white amenities at Sunset Beach and Milnerton Beach, Granger Bay, Green Point Track and Woodstock Beach have all been thwarted by Provincial or State rulings. Use of space under Boulevard West viaduct at Ebenezer Road has been suggested; but such a site would not be well located and it is not certain whether Province would approve.

There is a need for a Coloured cinema to serve Sea Point in view of the closure of cinemas in District Six (I believe the Alabama in Loop Street will be closing too). Although Deputy Minister Jansen has vetoed the proposals for a Bantu Cinema at the old Castle Wine and Brandy site the Minister of Community Development might well allow a Coloured cinema on this site". (53)

It is an indication of the powers that local authorities possess, to implement what they believe to be necessary policies, that the City Engineer should note that a full scale interview survey of Black opinion in the area was not undertaken because, he did not wish to raise false hopes amongst Coloured and Africans for facilities which could not be provided.

#### 4.6 Conclusions of the Survey. (x)

The City Engineer's report reaffirmed the need for amenities and concluded amongst other factors that:-

- 1) Sea Point has the highest proportion of "living in servants" of all suburbs in Cape Town and this indicates a higher need for amenities and recreational facilities for these people.
- 2) About 85% of all servants have an average of 4 dependants, and "living in" servants can be expected to generate a large number of legitimate visitors. At present there is nowhere for these visitors to be entertained except in the servants' bedrooms, streets and public places.

- 3) The servants themselves desire improved living conditions, avoidance of overcrowding, places to eat and relax as well as places for tuition to improve themselves. (54)

As a consequence of the above it was recommended that the community should be provided with the following basic amenities:-

- 1) A private place in which to entertain one's family and close friends. This is normally done in the home.
- 2) A public place in which to entertain family and friends away from the house. This is normally done at an hotel, restaurant or cafe.
- 3) A public place in which the individual can enjoy communal entertainment and function socially as part of a community. (55)

#### 4.6 Further Council Proposals. (xi)

In implementing these recommendationd the City proposed as an initial step, the establishment of recreation centre for Blacks in the Old Quarry in Schotsekloof, which does not fall within Sea Point itself. Although this was met with opposition from the Signal Hill Ratepayers Association (the Green and Sea Point Ratepayers Association having rescinded their former negative resolutions in support of the City's proposals for Black amenities) it was tacitly approved by the various State Departments. It's construction however, has been prevented by a lack of funds.

In May 1976 the City Council, put forward to the Administrator a comprehensive guide plan for Black amenities in Sea Point, and among the more salient recommendations were:-

- 1) That owners of new buildings throughout the municipal area be required to provide one communal room for every five servants on site.
- 2) That three sites for Black cafes be leased for private or municipal operation.
- 3) Three bar lounges for Blacks be established together



with full restaurant facilities and a ruling that liquor be served with meals only.

- 4) That a communal entertainment and recreational centre for Blacks be constructed on the Strand Street quarry site.
- 5) That a swimming bath for Blacks be built in the area bounded by Chiappini, Castle, Rose and Hout Streets. (56)

Inevitably these proposals had to be submitted to the Department of Community Development and Bantu Affairs before they could be effected. To date no decision has been taken in this direction, and at that time the Cape Times was prompted to write in its leader column:-

"The issue of amenities for Blacks in Sea Point has been kicked around for so long that it is impossible to be sure that anything will come of the Cape Town City's executive committee's approval last week of a guide plan. The proposals must be considered by the Administrator returned to the City Council for ratification, and submitted to the Departments of Community Development and Bantu Administration. The potential for further procrastination is obviously enormous, so many well-meaning plans for providing the large Black population of Sea Point with recreation facilities have already foundered that it is difficult to be optimistic this time. Nevertheless the proposals seem to be an admirable attempt to mitigate a grave social ill, and we hope for better luck this time". (57)

The problems in Sea Point remains, and with the general growth in both the Coloured and African communities in the area (noted from informal sources) it appears unlikely that the incidence of certain crimes can be reduced under present circumstances.

Synopsis.

Sea Point as a high density White residential suburb, by the nature of services provided in the area, generates a large number of Black servants and service workers who in turn attract visitors and family. There are no amenities of any sort for these people in the area apart from liquor outlets and this factor leads to boredom and frustration which undoubtedly has some consequence for crime in the area.

The solution to this problem, is largely a town planning one, and when the City took steps to implement the recommendations of its planners, it was thwarted by:-

- 1) The Provincial Administrator, who initially placed a blanket ban on the provision of amenities.
- 2) The Department of Community Development which complained about the contravention of Group Areas principles.
- 3) The Department of Coloured and Rhenoboth Affairs, which discouraged the provision of amenities for Coloured in a White area and prohibited the expenditure of any monies by the Coloured Development Corporation in this regard.
- 4) The Department of Bantu Administration and Education, which prohibited the establishment of a cinema in the area, and stressed that only small 'eating houses' would be permitted and that these would have to close at 8 p.m.

The outcome of this is that although the problem was broached in early 1973, the City to this date has been unable to commence construction of any such amenities, and in the event of unwillingness on the part of the private sector, must undertake to assume all costs itself. (58)

Chapter 4Notes

1. L. Marguard 1969 op. cit. p.94.
2. 'Cohort Survival Projection' Technical Management Services Branch, City Engineers Department, Cape Town.
3. S.P. Cilliers 1973 'Urban Renewal and the needs of the Coloured Community". p.3.
4. 'Housing projects in the Western Cape until 1990', Unpublished report, 1975 Technical Management Services Branch op. cit.
5. M. Nash 'Home?' p.13.
6. S.P. Cilliers 1972 'Facing the crisis in Coloured Housing'.
7. S.S. Morris 1973 p. 3 Comments on Prof. S.P. Colliers paper 'Urban renewal and the needs of the Coloured Community'.
8. S.P. Morris 1973 'Low cost housing in Urban areas" p.3.
9. S.P. Cilliers 1973 op. cit. p.13.
10. S.P. Cilliers Ibid. loc. cit.
11. S.P. Cilliers Ibid. p.19.
12. Many of these restrictions as well as various social problems were recorded and enumerated by the Erica Theron Commission of Enquiry into matters relating to the Coloured Population Group.
13. S.P. Cilliers 1973 op. cit. p.20.
14. See Chapter 19 of the Theron Commission op. cit. which found that the system of Management Committees as it functions at present is not creating "the necessary capacities to provide adequately for the needs of local coloured communities". (p.431, 19. 193)
15. 'The Theron Commission: a Summary' Institute of Race Relations 1976 p.118.
16. Theron Commission Report op. cit. (p.285, 11. 198).
17. C. Bloch NICRO report 1975 'Crime on the Cape Flats' p.22.
18. The Cape Times 14 April 1970 'Disruption seen in Townships'.
19. Institute for Social Development, University of the Western Cape 1976 'Spotlight on Bonteheuwel' p. 13.

20. Provincial Administration of the Cape 'Committee of Enquiry into the provision of amenities on the Cape Flats' para. 23.5.
21. See O. Newman 1972 'Defensible Space'.
22. C. Bloch NICRO Report op. cit. p.32.
23. The Cape Times 28 December 1973 'No more land to house Coloured'.
24. The Cape Times 1 October 1973 'Confrontation on the Cape Flats'.
25. Institute for Social Development 1976 op. cit. p.20.
26. Institute for Social Development Ibid. p.21.
27. C. Bloch NICRO Report op. cit. p.61.
28. A similarly recommendation was made by the Theron Commission: 'All Government Welfare services should fall under one department; such department should be responsible for the overall planning and the laying down of a broad Welfare policy for the whole country covering all population groups'. (Ch 11. 145 (a) (b) ).
29. The Argus 15 September 1973.
30. C. Bloch NICRO report op. cit. p.48.
31. Institute for Social Development op. cit. p.17.
32. Institute for Social Development Ibid loc. cit. p.17.
33. Institute for Social Development Ibid p. 27.
34. Institute for Social Development Ibid p.29.
35. The Cape Times 20 February 1973 'Danger of a slum in Bonteheuwel'.
36. Bantu Affairs Administration Act. No. 45 of 1971 Section 11 (2).
37. The Cape Times 10 August 1973.
38. M. Nash 1976 op. cit. p.56.
39. M. Nash Ibid. loc. cit. p.56.
40. R.N. Granelli 'An analysis of the Role of the Employer in the Housing of Africans in Urban Areas with particular reference to the Cape Peninsula'. 1975 p.53.
41. R.N. Granelli Ibid. loc. cit.
42. The Argus 13 August 1976 'Blacks own nothing in Peninsula Townships'.

43. M. Nash 1976 op. cit. p.57.
44. K. Younger 'Causes of crime in an urban society' in NICRO 'Crime and Punishment' Vol.3. 1974.
45. The Argus April 1976 'Crime in African Townships'.
46. City Engineers Department 1975 'Report on the provision of amenities for Blacks in Sea Point' p.20.
47. City Engineers Report Ibid. p.4.
48. City Engineers Report Ibid p.1.
49. City Engineers Report Ibid p.5.
50. The Cape Times February 1974.
51. City Engineers Department Instructions on conducting a survey on the provision of amenities for Blacks in Sea Point 1975.
52. The Cape Times April 1974.
53. City Engineers Department Survey Instruction op.cit.
54. City Engineers Report 1975 op. cit. p.13.
55. City Engineers Report Ibid. p.16.
56. City Engineers Report Ibid p.22.
57. The Cape Times May 1976.
58. As recently as August 1977 the City Council has called for a special report on "ways and means of overcoming the grave social problems" that arose because of a lack of amenities for Black people in the Sea Point area. Cape Times 31 August 1977.



## CHAPTER 5

The findings of the two previous chapters serve to illustrate the importance of local administration, if only from a negative point of view. At the same time, from the findings of Chapter Two, it becomes clear that local government in Cape Town is lacking in all three basic objectives defined in Chapter One. This can be seen from the following:-

- 1) The process of local democracy is highly selective for Whites and is minimally representative, and is in little more than embryonic form for Coloureds and Africans.
- 2) Despite the framework for decentralised administration, there has been a considerable weakening of this structure by the deconcentration of central control. A process which, if continued to its logical conclusion, would seem to preclude the need for local government in its entirety.
- 3) It has been shown that the situation, from the local standpoint is not administratively effective, and that generally the welfare of certain sectors of the local population is insufficiently catered for.

### 5.1 Macro Overview.

At the macro level, the problem of local control could be interpreted as follows:-

In the implementation of the policies of separate development, the central government attempted to utilise the existing structure of local government, as defined in the Union Statutes and the Ordinance 19 of 1951. Due however to the complexities involved in the implementation of such radical policies, the system was unable to fulfill its intended objectives. This was the result partially of resistance to these policies at the local level, and partially of the confusion in the levels of policy implementation.

There is sufficient evidence to support the contention that it was intended State policy to implement separate development through all levels of the governing pyramid, by means of a decentralised channel of control. Where this became impractical (due to reasons cited above), the pyramid of control was abandoned and the deconcentration of power implemented. From the perspective of the central government too then, local government failed in its intended role and had to be supported by intervention from various central departments.

At the same time it must be stated, that it was intended that the implementation of State policies should take place with the minimum of disruption to communities. However where, for reasons of implementation, this became impossible, the wellbeing of the City's people took second place to the fulfillment of the objectives of separate development.

Local government in its relegated status could do little to ameliorate this situation, but was nevertheless charged with a general responsibility for the needs of the local citizenry. A role, as can be seen from the previous two chapters, it has been unable to fulfill.

The proposal of solutions at the macro level, that is at the national level, is not within the scope of this thesis. Nor is it of any worth to pass judgments on the implementation of the policy of separate development. It is apposite only to say, from an administrative point of view, its implementation has been only partially successful, in that it has underplayed the importance of the human element. A factor which, as has been seen, is of considerable importance to the social stability of the City.

Bearing in mind the emerging potentials for social discord inherent in the above situation, solutions will be sought within the framework of existing government policies.

5.1 Alternatives to Existing Structures.  
(i)

The identification of major deficiencies in the existing system, must precede a search for solutions to problems currently facing local government in Cape Town. Key factors in this regard were found to be:-

- a) the democracy function,
- b) lack of power,
- c) fragmentation of service provision,
- d) lack of finance.

5.2 The Democracy Function: The representation of local interests at local level, is from the review in Chapter One, of some significance in the justification of a system of local government. This situation applied no less in South Africa. However as can be seen from the findings of Chapter Two, the level of democratic representation in local affairs is at a low ebb. In actuality, the existence of such a process in its present form, represents an impediment to the efficient administration of the City, and could as well be excluded from the realm of local affairs. These assertions are made on the grounds that, council policies, not representing the broad basic of public opinion, is likely to clash on many issues, viz. the opposition of the Green and Sea Point ratepayers Association in one instance and the residents of Bonteheuwel in another.

If however, one is to acknowledge the undoubted value of local participation and representation-State policy appears firmly in favour of this form of democracy - then the process of municipal elections should be restructured and the electorate extended.

5.2 Extended Franchise.  
(i)

The most significant change in this regard would be the extension of franchise to all inhabitants of the municipality. This is based on the premise, that local affairs are the affairs of the local populace, and as such every individual citizen should have the opportunity of participation at this level. An upsurge of local interest in municipal affairs would nevertheless, be dependant on renewed confidence by the electorate in the power of local bodies to fulfill local aspirations, a factor which will be enlarged upon subsequently.

A broader franchise would of necessity, imply less stringent qualifications than those presently existent, and would be oriented towards the inclusion and not the exclusion of the majority of inhabitants. Under this system, for an individual to qualify as a municipal voter it would be necessary only that he or she be over the age of eighteen years and a resident of Cape Town. To these criteria could be added the qualification that individuals must have been inhabitants of the municipality for two years (alterable) prior to the date of registration as a voter.

An extended franchise would be linked to a move away from property taxation as the major source of local revenue. However, as some revenue will continue to be accrued from property rates, there could be a vote weighting in favour of certain classes of property owners. This could involve a modification of the existent policy of awarding votes to companies, and the award of more than one vote to individuals with properties in more than one ward.

As municipal elections in Cape Town are not contested along party political lines, this system should be continued. In view of this overtly non-political background, it would add a great degree of credibility to the representativeness of local bodies, if all race groups were included on a common voters roll. The reversion to the system practiced in Cape Town several decades ago, would also permit a more co-ordinated approach to the solving of what are essentially urban and not race problems.

The re-establishment of a common voters roll would be of particular value to those areas in close proximity to White suburbs and excluded from Management Committee Areas - Schotsekloof, Woodstock, Heathfield, Retreat to mention but a few. At the same time it would be necessary to redefine ward boundaries, particularly in Black areas, towards the eventual establishment of autonomous local bodies such as currently envisaged for the Management Committee Areas.

In the event of a State rejection of proposals for an all race voters roll, plans for the implementation of autonomous Coloured and Indian local authorities should be accelerated. The current commission of enquiry into the implementation of autonomous Coloured local authorities, undertaken under the auspices of the Minister of Coloured Affairs appears to be a step in the right direction.

The establishment of such a body in the new Mitchells Park township, which is predominantly a home ownership scheme, would provide an ideal testing ground for the implementation of local control. The viability of such a body would however be determined largely by the degree of co-operation and control extended by not only the various State authorities involved, but also by the City itself.



In the light of recent statements by the Deputy of Bantu Affairs, <sup>(1)</sup> in regard to the implementation of leasehold rights for urban Africans, the present system of Advisory Boards should be reviewed and revised. In this connection the two factors most in need of revision are the representativeness of the Boards and their status as purely advisory bodies.

Even bearing in mind the fluctuating population in African townships brought about by migratory labour movements, there are sufficient permanent residents in these areas to form the basis for a more representative form of local involvement. Inevitably many of the solutions to problems of this nature are linked to restrictions currently operating on urban Africans, and change in one sphere would be necessarily contingent on change in the other.

A greater involvement in the democratic process too, would be contingent on the authority of local bodies to fulfill local objectives. Nevertheless the delegation of responsibilities similar to those undertaken by Coloured Management Committees would be a step towards local autonomy. The nature of the problem is such that alternatives preclude all but the analysis of the trends of central government policy towards urban Blacks.

## 5.2 Advantages of an Extended Franchise.

(ii)

The re-enlivenment of the process of democratic involvement for the City's inhabitants would reap benefits in several areas of key importance to local government. While the involvement of a larger electorate would revolve largely around confidence, it could be supplemented by a plan of civic education. That it to say not only would citizens be informed - through the media - of council policy and intentions, but they would be informed as to the merits or demerits of various civic proposals.

Such a system would open the way for more local involvement and co-operation in the counteracting of the City's problems. The congestion of traffic in the central business district is but one incidence, where civic co-operation could be utilised towards the combating of urban problems.

Increased local involvement in the electoral process would inevitably have favourable consequences for the quality of councillors elected to office. Increasing local interest would insure more competitive elections and at the same time reduce the number of office bearers elected unopposed. It would also ensure those elected to office would have to represent a broader spectrum of public interests, than the limited sphere of sectarian interests currently operating in certain wards in the City.

The democracy function is inevitably tied to the establishment of a new structure for local government which will be discussed subsequently.

- 5.3 Lack of Power: The importance of sufficient power to control and administer a locality has been shown to be of crucial importance to a municipality. However, within the present framework of local government the assignment of greater powers will have of necessity, to be accompanied by a restructuring of local government function. This would involve inter alia, a redefinition of jurisdictional area, an alternative financial system and a redefinition of objectives, factors which will be discussed in the following section.
- (b)

Some general discussion on the allocation of greater powers to local units will nevertheless be of some value. Inevitably this will have to be approached from two different perspectives, decentralised control and deconcentrated control.

### 5.3 Re-establishment of Decentralised Control.

(i)

The process of decentralised control has been seen to involve chiefly the Provincial Administrator and the local authorities. In this regard, the implementation of a policy of intra vires, however limited this might be in its application, would serve to establish a degree of autonomy in the local decision making process and would reaffirm its title of 'Government' as defined in Chapter Two. The assignment of a measure of general competence would as a result weaken the Administrator's powers of veto, but at the same time would not prohibit his intervention in matters which are of obvious importance to the locality and the nation as a whole.

Greater local autonomy would have to be accompanied by an easing of the close provincial supervision and scrutiny of virtually all municipal affairs. In this regard a few of the more obvious to come to mind are, the Municipal Service Commission, the Slum Clearance Court and the scrutiny of any major town planning proposal.

Increased local control will also entail a redistribution of fields of revenue accrual, and a transfer of various responsibilities and functions. In matters of this nature the concept of 'decentralisation' should constantly be borne in mind, and while it is not intended that local units should become totally independent from the province, they should have sufficient scope to be effective as well as efficient in its administration.

### 5.3 Reduction of Deconcentrated Control.

(ii)

From the perspective of deconcentrated central power, a radical change is needed to reaffirm the usefulness of local administration. The existent situation appears to confirm the implications of the age old adage concerning the involvement of too many cooks. The withdrawal of certain government departments from direct involvement in local affairs will also serve to strengthen the process of decentralisation by re-establishing the Provincial Administrator as the direct line of control

5.3 Advantages of Decentralisation.  
(iii)

From the central government point of view, the minimisation of deconcentrated power could be justified on the grounds that it has all but fulfilled its objectives. From earlier discussions, it has been shown that State intervention was initiated to ensure the implementation at the local level, of the policies of separate development. At this point in time, Group Areas have been delineated and communities resettled and separate development could be said to be "operative". Any further control to ensure the perpetuation of this system - indications are that it will alter - could be undertaken by the Provincial Administrator.

The disruption of community life brought about by resettlement is considerable, and if the City, as a responsible governing body, is to be effective in its attempts to improve the lot of many of the people of Cape Town, it must have a greater involvement in a wide range of services. Among these are health, social welfare, commercial development and education.

This leads to a third deficiency in the present system, namely the fragmentation of service provision. Solutions to this problem will be discussed within the framework of a new local government structure.

5.4 Fragmentation of Service Provision.  
(c)

From the evidence of Slater (Chapter Two) and Cilliers (Chapter Four) the City of Cape Town faces a wide range of problems similar to those in both developing nations and the industrialised West. Furthermore these problems are not confined to the limits of the municipality, but extend over the Greater Cape Town area. Their characteristics are in every respect those of the 'Metropolitan problem'.

The 'problem' is wide spread, and considerable literature has been devoted towards its analysis and solution. Luther Gulick in a paper on the rationale for a Metropolitan Government <sup>(2)</sup>, identifies three interrelated reasons why traditional



government structures (i.e. local authorities) have been unable to act effectively. These are:-

- 1) Problems in a metropolitan area spread over areas broader than the boundaries of individual local governments. Big urban complexes are now so closely tied together economically, socially and structurally by daily human movements and activities that every problem is a 'spill-over' from a neighbouring area. "Once an indivisible problem is divided", he states, "nothing effective can be done about it".
- 2) The problem of payment for projects that need to be undertaken. Most big cities are already raising all the taxes they are legally permitted to, and there are insufficient funds available to eradicate new urban problems. Furthermore the nature of urban development is such that the needs, the taxable resources, and the benefits do not match up geographically. Because problems have a universal consequence for all local authorities, the costs of finance should be shared by all. "The existing local tax and revenue system, with its small geographic divisions, is precisely the wrong approach, because the costs will often fall in one jurisdiction and the benefits in another". (3)
- 3) The final reason for the inability of local governments to solve problems arising from metropolitan development, is political. This governmental failure is related to three basic shortages:-
  - a) Service failure. Such as traffic congestion, lack of education, health recreational and cultural facilities and programmes.
  - b) The lack of any comprehensive community program for general development, and for tackling the major social and economic problems of the foreseeable future. "For lack of such broad scale community thinking and leadership, most urban areas are muddling along wasting their constructive energies, trying to "solve" one problem at a time, but frequently making matters worse". (4)



- c) The lack of a region-wide machinery for teamwork. This is important for the co-ordination of problem solving and because, "without such teamwork machinery there is no constituency, no sense of common purpose, no metropolitan community in a political sense, and what is all-important, no 'metropolitan leadership'". (5)

Dr Slater, in his report on a metropolitan municipal authority for Cape Town, reached similar conclusions to those of Gulick. His solutions, which involved a realignment of areas of jurisdictional control and involvement, were formulated on the basis of various metropolitan experiments operative at the time. It will be of some value to analyse briefly the processes involved in the establishment of three of these governments.

#### 5.4 Toronto. (i)

In 1954 as a result of rapid urbanisation and the problems of implementing co-ordinated city wide planning, the City of Toronto along with twelve adjoining municipalities, were grouped into one metropolitan authority. The purpose of this unification was the co-ordination of a range of services including transportation, housing and the utilisation of open space, as well as overall planning for the area. Overall policy thus was determined at Metro level and an overall system structure set up, without derogating from the powers of any of the individual local authorities. "In effect a fourth tier of government was introduced, with powers to carry out the agreed major regional projects such as transportation, freeways, open spaces, planning, water supply, sewerage and other services". (6) In 1963, as a result of a commission of enquiry, the constituent municipalities were reduced by amalgamation to six.

The report of the Royal Commission on Metropolitan Toronto (June 1977) has highlighted the success of the system of Metro government. In analysing some of the factors contributing to this success, the Commission wrote:-

"Several features in its governmental structure have contributed to making Metro the lively, prosperous, progressive place it is. In particular the Metro system was and is a single system of local government. Competition between Metro and the area Municipalities has been kept to a minimum, partly because the Metro Council is made up of local representatives. For the most part, the system has resulted in a healthy balancing of local interests and area-wide concerns. As a result Metro has been able to establish sound planning, servicing and development policies and to build a first-class transportation system to help implement them". (7)

5.4 Tokyo.  
(ii)

The expansion of the City of Tokyo as a result of economic growth and the outcome of sprawling urban growth, has brought about an increase of long range commuters and the formulation of a metropolitan region which stretches for a radius of nearly 50 kilometres from the City centre and has a population of nearly 12 million inhabitants. (8)

Hitoshi Ihara, in a paper to the 1971 IULA Conference on "Tokyo Metropolitan Government as Stimulator of Japan's Economic and Social Development", described the governing structure and function of the body responsible for this area, as follows:-

"As a local government unit, it is composed of 23 special wards covering the old city area which is mainly built up, three county districts which have been rapidly urbanizing for the past two decades and a number of small islands dotted in the Pacific Ocean. A kind of presidential system is employed with both Governor, the administrative chief, and the 126 members of the Metropolitan Assembly elected directly by the voters.

The Governor, as chief of administration, is responsible for securing the health and welfare of the inhabitants by rendering local government services, including environmental services such as city planning, housing, roads, parks, transportation etc. and personal services such as education, public health, welfare services etc". (9)

The Tokyo example is of importance in that it illustrates the progress of a metropolitan government at macro scale, which still retains a large degree of autonomy as well as local democracy.

#### 5.4 Greater London Council. (iii)

The London County Council which was established in the latter half of the last century, was the original metropolitan authority. With urbanisation however, the city outgrew its original boundaries and in the additional area a multiplicity of local units developed. In 1963 the London Government Act (which took effect in 1965) established the Greater London Council (GLC), covering a wide metropolitan area, divided into 32 Borough Councils. The London Borough undertakes normal local government functions in relation to strategic planning services which need to be planned and administered over a wider area. Among these are overall planning, main highways, traffic control, overspill housing and the fire and ambulance services. (10)

#### 5.4 The Maud Commission. (iv)

Subsequent to the establishment of the GLC, a Royal Commission on Local Government in England was set up to investigate the then outdated system of local government existent throughout the country. The conclusions reached by the Commission were as follows:-

- (i) Local Authority areas should be defined so that citizens have a sense of common purpose.
- (ii) Areas must be based on the interdependence of town and country.
- (iii) Environmental services (planning, transportation and major development) must be in the hands of one authority.
- (iv) All personal services, education, social health and housing, should be in the hands of one authority.
- (v) Environmental and personal services should be under the same authority. Priorities and co-ordination can be related to objectives for the area as a whole.
- (vi) Authorities must be large enough to command resources and skilled manpower to provide services with maximum efficiency.
- (vii) The minimum population for the authority should be around 250 000, and it should not exceed one million. (11)

On the Commission's recommendations the 1 210 authorities existing were abolished and replaced by 61 new areas covering both town and country. In 58 of these a unitary authority is responsible for all services, while in three metropolitan areas responsibility for services is divided between a metropolitan authority whose key functions, are planning, transportation and major development, and a number of metropolitan district authorities whose key functions are education, the personal social services, health and housing. (12)

#### The Slater Report - Metro Proposals.

The metropolitan problems broached by Dr. W. Slater in his commission of enquiry have been discussed in Chapter Two, at the same time solutions proposed by him will bear direct relevance to any proposals for alternative structures of local government in Cape Town.

From his investigations into the existent structure of local government in the Peninsula, Slater identified three main problems inherent in the metropolitan situation. He summarised these problems under the following needs:-

- "(a) service which of their nature must be rendered on a regional basis or which can be more economically supplied on a regional or semi-regional basis.
- (b) the control of peri-urban development and
- (c) forward planning on a metropolitan basis and consequent land acquisition and the physical development thereof". (13)

To meet these needs, Slater proposed that the Provincial Council should adopt special legislation for the establishment of a metropolitan authority for the Cape Peninsula. He proposed that the Divisional Council of the Cape should take over this role in substitution of its present functions. He based his proposals on the fact, that the Divisional Council has traditionally been responsible (with limited legal powers) for the development of peri-urban areas, and has performed this function well. Furthermore, many peri-urban areas still remain under the Divisional Council jurisdiction, which at the same time performs certain Peninsula wide functions - cemeteries, local public health services (in all municipalities except for the City of Cape Town).

Slater felt that the application of the principle of a two tier system of local government was best suited to the needs of the Peninsula. Despite the ranking of a function and control implied in such a system, Slater subsequently qualified the statuses and interrelationships between the intended Metropolitan authority and existing municipalities. He stated:-



"To speak of the Metropolitan Service Authority as a fourth tier is to misunderstand the situation. This authority stands along with Municipalities and Divisional Councils in the third rank (of the governing pyramid). It does not exercise control over any other local authority". (14)

By this he meant that the Metropolitan Authority (Metro) had jurisdiction only over those services directly under its control, and that all municipal functions not assigned to it would remain the responsibility of the individual municipalities. He summarised the services which Metro would undertake.

(A) AREA WIDE SERVICES.

- (1) Planning (broader aspects).
- (2) Housing for Blacks.
- (3) Amenities (including beach amenities) for Blacks.
- (4) Bantu administration.
- (5) Water supply.
- (6) Local health services excluding City of Cape Town.
- (7) Sewage disposal works and trunk sewers.
- (8) Ambulance services.
- (9) Cemeteries.
- (10) Control of beaches (excluding the existing municipal areas not set aside for Blacks).
- (11) Special works.

(B) SERVICES OUTSIDE MUNICIPAL AREAS.

- (1) Metro to take over the existing responsibilities, assets and liabilities of the Cape Divisional Council.
- (2) Metro to be given full municipal powers.

(C) CONCURRENT POWERS.

- (1) Metro may by agreement with one or more municipalities undertake a service on their behalf within the municipality concerned. (15)

5.4 The Role of the Divisional Council.  
(vi)

The constitution of this new authority would be such that electoral qualifications and procedures would apply only to those areas not under the control of a municipality; that is to say those areas currently under Divisional Council jurisdiction. By this means the qualification of voters would remain the same as those prescribed for municipalities in the Peninsula. Similarly, he advocated that the present system of wards, be maintained and the number of councillors elected per ward limited to one.

In one respect however the new authority was to differ from existing municipalities, and this was in the appointment of a chairman as opposed to the traditional mayor. The chairman would be elected from among the Metro councillors.

In virtually all other respects - apart from the provision of metro wide services - the new authority would follow the workings currently existent in the Divisional Council. This would include the executive committee system and the accrual of revenue from general property rates.

In this last regard however, the system diverged from Divisional Council practice of revenue accrual, in that tariffs would be levied against services rendered at a Metropolitan scale. At present the Divisional Council raises funds from local areas under its jurisdiction and (as a percentage) from areas formerly under its administration. Provincial and central subsidy would also be provided in the manner currently operative.

Slater proposed that existing municipal boundaries be maintained but that future boundaries be planned bearing in mind the following considerations:-

- (a) That the maximum population for all municipalities except Cape Town, should be approximately 250 000;
- (b) the need for the establishment of a new municipality of a minimum population of 100 000 within the next 25 years;
- (c) topographical features should be considered in relation to an overall plan for the economic provision of services and co-ordinated planning of the area;
- (d) the municipality should be able to maintain a sound financial position and to undertake its services efficiently. (16)

In all his proposals Slater attempts to deviate from the existing structure as little as possible. He states in this connection:-

"In suggesting the distribution of functions I have followed the principle that existing responsibilities should be disturbed as little as possible and the transfer of duties to Metro should be proposed only when such transfer is essential in the general interest of the metropolitan area". (17)

His retention of the existing situation was no doubt motivated by the intent to please not only the central and provincial governments, but also the local governments, which had previously shown resistance to proposals.

Despite the well founded nature of Slater's report, and his meticulous coverage of all details necessary for the implementation of a Metropolitan Authority, it was not accorded any significant recognition. In 1968, the Joint Town Planning Board was appointed by the Administrator to advise municipalities in Greater Cape Town and encourage them towards the co-ordination of planning and services.

5.4 Cape Metropolitan Planning Board.  
(vii)

In 1972 this body was changed to the Cape Metropolitan Planning Board. This body, financed from funds provided by the municipalities of Greater Cape Town, appears to have more defined objectives (a master plan is currently being drawn up) but is nevertheless purely advisory and as a consequence is unable to effect any of the changes necessary for Metro-wide services or planning. The Board nevertheless, is well positioned to take up such a role should it be given the necessary powers. This assertion is made on the grounds that, any move to 'convert' one particular existing local government structure into a metropolitan authority, will meet with opposition from all other municipalities.

Local authorities in Cape Town have long expressed their disapproval of any change that might entail a diminution of their already limited powers. The City's Town Clerk, Mr Heugh, rejecting the idea of a single metropolitan government as the panacea for urban problems, makes the following contentions:-

"In government at least, one of the strongest arguments for retaining an existing system is the fact that it works. This does not mean that one must avoid improvements, but it does mean that no change should be introduced without the most careful, scientific study and investigation. It is not sufficient to infer that certain services should obviously be provided by a regional authority or that services could possibly be more economic and efficient if performed in some other fashion. Up to the present time at least, there has been no sufficiently convincing study to enable any advantages over the present system to be proved". (18)

Thus the Metropolitan Planning Board having no vested interests, and no 'territorial imperatives' would - with the help of provincial and central legislation - appear to be the body most likely to avoid internecine conflicts at the local level. As a consequence it will be included in proposals for an alternative structure of local government for Cape Town.

5.5 Lack of Finance.  
(d)

As with the previous three deficiencies discussed, the discussion of an alternative revenue base and the restructuring of central aid, will be kept to the bare minimum. This is because the problem will be dealt with more specifically in the next section.

The most significant proposals for change in matters of local finance, would be a move away from a system that is primarily oriented towards property taxation. This, as has been illustrated in Chapter Two has proved to be an insufficient form of revenue accrual, and it is unlikely even with the imposition of considerably higher rates, that it will be able to match the rising costs of administration that confront all municipalities in Cape Town.

It is suggested instead, that while property taxes should not be withdrawn, a local tax should be imposed on all residents of a municipality. That is to say in the payment of annual state income tax, an additional levy, (proportional to an individual's earnings) should be imposed. At the same time the system of property taxation should be reviewed and perhaps reduced in certain instances.

The proposal of a local tax for all, is tied to suggestions for an extended franchise. The assumption being that anyone who is permitted a say in local affairs, should expect to make a contribution towards the good functioning of that locality.



The allocation of revenue accrued from local taxes as well as the form and quantity of central aid required, will be discussed in the following section.

#### 5.6 Outline for an Alternative Structure of Local Government for Greater Cape Town.

The solutions proposed by Slater deserve considerable attention in the search for an alternative structure of local government in Cape Town. In several respects however, the report has inherent limitations. The first, is the general concern for the maintenance of the status quo. While it is understandable, within his terms of reference, that Slater should not wish to propose changes that involved a radical restructuring of the existing system, it is also true to state that certain problems in Greater Cape Town are of such a nature that their solution will only come about through changes of a more radical nature.

The second limitation of the report, from the perspective of this thesis, is the absence of any real investigation into the interrelationships between local government and other levels of the governing pyramid. The possible need for revision of the whole process of power and control at the local level was thus not considered in his report and a crucial factor excluded from his solutions. As a consequence it will be of value only to elaborate on specific ideas proposed by Slater in the search for alternative solutions.

#### 5.6 Controlling Body. (i)

The existent Cape Metropolitan Planning Board should be granted sufficient power and responsibility to undertake the role of a Metropolitan authority for Greater Cape Town.

#### 5.6 Area of Jurisdiction. (ii)

The area over which the Metro authority will exercise its jurisdiction, will cover the district defined as the 01 Economic region, encompassing the six magisterial districts of Bellville, Cape Town, Goodwood, Kuils River, Wynberg and Simonstown.

This will include all those local authorities named in Chapter Two as well as all areas controlled by the Divisional Council of the Cape. With the inevitable growth of the metropolitan region this jurisdictional area may well have to be expanded to include Stellenbosch, Paarl, Wellington and the Strand. Alternatively a separate metropolitan area could be established to provide for these areas.

5.6 Constitution.  
(iii)

Unlike Slater's proposal, the new Metro will have more extensive functions and powers. Although primarily oriented towards the provision of metropolitan wide services and planning, the authority will have further powers for the development and administration of peri-urban areas in the Ol region. In this regard, the transfer of responsibility for 'Local Areas' from the Divisional Council will undoubtedly cause considerable inconvenience. This however will be unavoidable in the streamlining of the planning process. This change of control will see the removal of the Divisional Council from the metropolitan area, towards development of rural municipalities and towns.

The development and control of peri-urban areas and other areas not yet established as autonomous local authorities, will necessitate the endowment of the new authority with municipal powers. This however will be only a temporary role, as the development of these areas as well as those for several Coloured and Africans areas will be stepped up and the process towards local rule accelerated.

In common with metropolitan authorities throughout the world, the Metro authority will not derogate the powers and functions assigned to local authorities under the new system. Inevitably the transfer of certain services will diminish the fields of control of many municipalities, but within their own jurisdictional area and within the framework of their terms of reference, they will have full say in the administration of local affairs.

5.6 Metro as a Fourth Tier of Government.  
(iv)

The Metro could be seen to be a fourth tier of government in the sense that it will have more extensive powers than other local authorities, and in certain instances will issue directives to these bodies. Despite its superior status however, the relationship between Metro and other local units could best be described in terms of the relationship between senior and junior partner in a firm. There will be control when necessary (by definition not as forceful as the provincial or central governments) but in general there will be co-operation towards a common goal : the good functioning of the metropolis.

The Metro as stated will have more extensive powers than present day municipalities. It will derive these partly from the local authorities and partly from the Provincial Administration. That is to say certain regulatory powers will be transferred from the Provincial Administration, and the dictates of the Metro will only be subject to overruling if they are ultra vires or repugnant to a provincial or State decree. To a limited extent the new body will be sui generis and in the light of the diminishing power at the provincial level (due to deconcentration) could move towards replacement of this body in urban areas.

5.6 Future Role of the Provincial Administration.  
(v)

In this regard, the Provincial Administration, a departure from the Westminster system, appears (particularly in the Cape Province) to undertake functions which in the rural areas could as well be undertaken by the Divisional Councils and the Department of Planning and the Environment. If within the passage of the next ten to fifteen years metropolitan governments are established in the major urban areas of the Province (Cape Town, Port Elizabeth, East London, Kimberley) and rural planning is undertaken by the Divisional Councils, this could preclude the need for a Provincial authority as a whole. Whenever regional planning becomes necessary this could be undertaken by the Department of Planning and the Environment.

5.6 Functions of the Metro.  
(vi)

The functions of the Metro will encompass many of those enumerated by Slater. However in view of the more extensive powers envisaged for this body, and in line with the corporate approach to administration outlined in the Maud report, various other services and functions will be included under its administrative control. In this connection the transfer of responsibility for hospitals and roads and perhaps, subsequently for education, from the Provincial Administration and the transfer of the supply of electricity from ESCOM and the City Council should represent priorities. Functions of Metro could thus include inter alia provision and services in the following fields:-

- 1) Water supply
- 2) Electricity supply
- 3) Sewerage disposal (major networks only)
- 4) Hospitals
- 5) Certain local health services
- 6) Cemeteries
- 7) Ambulances
- 8) Traffic control
- 9) Fire control
- 10) Civil defence
- 11) Housing
- 12) Roads (Arterial links within the Metropolitan area)
- 13) The co-ordination of transport and transport planning
- 14) Short term planning of development
- 15) Promotion of job location
- 16) Development location
- 17) Long range planning

In certain of the above services the Metro body will act in the role of co-ordinator; this will take place for instances in the provision of recreation amenities, certain road networks, welfare services and sewerage to mention a few. The role of planner, both short and long range, is one which will be of central importance to the new Metro, if it is to avoid the haphazard development of growth commonly associated with urban blight.



5.6 The Functions and Role of Local Authorities in the Framework  
(vii) of a New Metropolitan Authority.

As has been seen all local authorities (and the City Council in particular) will suffer from a loss of function as a result of the Metro. Nevertheless these bodies will be responsible for matters that are more obviously of local consideration. Amongst others, these are the maintenance of minor roads and streets, refuse disposal, provision of recreational facilities, certain welfare services, the administration of certain housing rental schemes, and in the case of the City the maintenance of the market and abattoir.

In view of the diminished power and function of local authorities it might be necessary to amalgamate certain local units which are too small to be practicable and economically viable. This has been a trend in metropolitan areas throughout the world, and it will bear some consideration in the establishment of new local authorities particularly in the Coloured and African areas. Within the municipalities themselves, it is suggested that the ward system be maintained, but in view of diminished function, the number of councillors elected per ward could be reduced from two to one.

At the same time the system of standing committees would have to be reviewed as would the structure of the municipalities in terms of departments and staff.

The previous proposal for an extended franchise for the local electorate combined with a council that is freed from many of the burdens of administrative trivia, will open the way for a more realistic process of local democracy.

It is a fact which must inevitably be faced by all local democracies in expanding cities however, that they might reach a point in time when as governing units they are either not feasible in their existing form, or are not feasible at all. Dr. A.R. Kuklinsky in a paper on 'Local government in regional and national perspective', states in this connection:-



"Local authorities are traditionally exposing a strong preference for the autonomy of the local community and local government. In view of the growing interdependence of economic, social and political phenomena in the modern society and economy, it is now impossible to apply the traditional idea of local autonomy. A new approach to local autonomy should be developed which would recognize that a local community in the second half of the 20th century is different from a local community in the 19th century. The local communities of the future should be not only incorporated into the society of communities but also into the society of associations". (19)

In this regard the continued expansion of the metropolitan area might necessitate changes in the structure of local representation by increasing amalgamation of municipalities or by a metropolitan wide vote. This last alternative however would be unsuitable in that it would not be local in any sense of the word and yet would not be broad enough for justification on a regional basis.

In the event of no practical solutions to the problem of local representation emerging in the not too distant future, direct civic involvement at the Metro level might have to be excluded.

#### 5.6 The Structure of Control Within the Metro. (viii)

While initially the Metro authority will have to undertake municipal responsibilities along the lines of Slater's proposals - and thus must have some form of representative body - this would be of very limited duration. The Greater London Council has no areas under its jurisdiction which do not also fall under the responsibility of a borough.

Once the Metro authority has been relieved of municipal responsibilities, it will be essentially a service provision body. This does not mean that there will be no formulation and implementation of policies, but that decisions will be outside the gambit of local politics. As a consequence it is suggested that the new authority could have a full time directorate of qualified personnel and a chairman or president (along the lines of the English New Towns). (20)

These officials could either be appointed by the provincial administrator or preferably, be elected from the ranks of the constituent local authorities. At the same time much of the necessary staff could be recruited from these local authorities and the Divisional Council, a factor which would avoid redundancy as a result of the transfer of services.

The establishment of a group of technical experts to head the various departments of the new authority would ensure the opportunity for efficient administration and provide the requisite skills for the reduction of metropolitan problems.

## 5.6 Finance. (ix)

Much of the success of the metropolitan authority will revolve around the acquisition of sufficient financial resources. In this respect local governments in Cape Town were found to be lacking.

Previous proposals for the imposition of a local tax for all municipal inhabitants represent a starting point for the development of an adequate revenue base. Rates raised from property taxation as well as monies accrued as a result of municipal trading will contribute towards the budget of individual municipalities. A portion of this revenue could perhaps be allocated to the Metro but this will be largely dependant on the sums raised.

The allocation of local tax to local authorities (including the Metro) could be undertaken by the central government, the provincial administration or even the local authorities themselves. With regard to this last assertion, it will be pertinent to describe briefly the system of local revenue allocation currently operative in the Netherlands.

5.6 Local Government Fund - the Netherlands Example.  
(x)

At the outset, there is strictly speaking, no direct system of property rating in Holland, and all revenue for local expenditure is derived from local taxation, which represents a portion of the national tax. A percentage of this local tax is allocated by the central government for fulfilment of basic services in each municipality and is not negotiable. These services would include sewerage, electricity, water, traffic control, education etc.

The remainder of the local tax is pooled into a Nation wide Local Government fund. The allocation of finance from the Local Government Fund takes place annually at a meeting of representatives from all municipalities in the country. Budgets are presented and motivated by each individual municipality. On the basis of individual municipal needs (for example population size, area of land under water, urban renewal needs etc.) the budget is either approved or reduced by consensus of all members of the Fund. (21)

On this basis there is no recourse to criticisms of the central government and all budgets are held to close scrutiny annually and matched against previous achievements.

The motivation for efficient and effective administration is as a consequence of this system high. (22)

The implementation of a modified form of this system in Cape Town might be realistic if kept within the framework of the metropolitan area. This is particular so when it is remembered that municipal budgets by force of circumstances will be reduced.

The allocation of a fixed sum for service provision could be made to the metro authority while individual municipal budgets could be decided by the municipalities themselves. At the same time it would be necessary to establish a capital works fund (similar to the Revolving Fund currently operative in every municipal council) either from monies accrued from service rates or to a limited extent, from local tax.

The sources of revenue accrual for the Metropolitan authority thus would be derived from three sources:-

- 1) a percentage of local tax,
- 2) service rates (electricity, water, etc.),
- 3) a percentage of property rates, or another financial contribution from the constituent local authorities.

The availability of funds for planning at a Metropolitan scale will enable municipalities that are under developed due to financial limitations, to catch up both in the standard of service provision and in the general development of their areas. Indeed such has been found to be the case in Metropolitan Toronto where:-

"The existence of Metro government has made it possible to use the wealth of the entire area, and particularly that of the City of Toronto, to finance services needed in the outer municipalities to accommodate growth. The financial role assigned to Metro Council has served to equalize the availability and quality of services throughout the Metropolitan areas". (23)

Despite the more lucrative fields of revenue accrual proposed, there will still be a need for some form of central and provincial aid. In this regard it should be borne in mind that local affairs and local problems inevitably become of national concern as well, and failures in one part of the country will have consequences for the whole.

Space precludes a more in depth study of alternatives to present central aid, nevertheless it will be apposite to suggest that where grants in aid are made, these should be of the general and not the specific type. The advent of a skilled directorate and the employment of a proficient professional staff, in a new metropolitan government, should insure that money is not squandered because of a lack of exacting governing skills and directives.

Should the need arise to allocate specific grants in aid, those on a per unit base should be avoided. Not only do they place constraints on the implementation of municipal programs, but are self defeating in that they are susceptible to misuse by the local authorities themselves.

#### 5.6 Goals and Objectives. (xi)

One of the most important factors in the establishment of a new authority (from a social point of view) is in the derivation of general goals and objectives for the organisation. The range of problems currently facing the City requires some priority rating in formulation and choice of policy implementation. This will entail some ideological standpoint, and in this connection the goals laid down in the Metropolitan Planning Board 'Guide Plan' represent a positive step towards the formulation of what should be Metropolitan objectives. These are:-

- "(a) maximising the welfare of people in terms of numbers, education, physical environment, heritage and society's obligations to them;
- (b) optimising the opportunities for people to earn a living and sustain themselves through production;
- (c) maximising efficiency in the distribution of goods and services;



- (d) providing effective recreation and amenity services;
- (e) ensuring suitable accommodation for all people;
- (f) minimising the need for people and goods to move in an integrated movement system which caters for all demands of the metropolitan community; and
- (g) the efficient realisation of broad economic potentials". (24)

The attainment of certain of these objectives could be approached along the lines of the minimum civil standards set forward by the Tokyo Metropolitan Government. These standards represent minimum targets for various aspects of social importance, housing, health etc. The achievement of these standards is undertaken in terms of three or five years plans.

The establishment of goals and objectives is of particular relevance to the reduction of rates of crime in particular, as will be seen from the final section of this chapter.

#### 5.6 The Role of a Metropolitan Authority in the Reduction of Crime. (xii)

Crime, as has been shown in previous chapters, is the product of numerous varied and highly interrelated factors including inter alia, housing facilities, poverty, ill health, civic frustration, lack of job opportunity, lack of recreation facilities etc. An improvement of no one of these would provide a solution to the problem of escalating rates of crime.

The answer to the problem, as Sir Kenneth Yonger asserted in a previous chapter, lies in all round social action, and as such a co-ordinated approach to solutions. As has been illustrated repeatedly in this study, the present structure of government has been unable to reduce or eliminate the more obvious antecedents of crime in Cape Town. The fragmented approach to the provision of services and facilities has proved to be inadequate and at times has served to aggravate the situation.

It is from this perspective, that an integrated Metropolitan authority will have considerable advantages over the existing authorities. This applies not only in the fact that major services will be under the control of one body, but also in that the provision of these services will be over a wider area and in a more co-ordinated manner. For example programs for the upliftment of depressed Coloured areas on the Cape Flats, would be determined by geographic location and social need, and not according to municipal boundaries.

In general the approach to the solution of social problems (particularly within the Coloured and African communities) will be in terms of the goals and objectives discussed previously. With this in mind problems could be tackled in terms of a hierarchy of needs (C.F. Maslow, 1954). <sup>(25)</sup> That is to say by the provision of essential services first, progressing to more sophisticated needs once these are provided. Broadly speaking these services should be provided as follows:-

- (a) housing
  - (b) health facilities (including social welfare)
  - (c) safety (i.e. police protection)
  - (d) work opportunities
  - (e) education
  - (f) recreational facilities
  - (g) civic representation
- (a) A broader financial base will provide substantially more funds to approach an elimination of overcrowding and the existing housing backlog and would improve the quality of dwellings built. At the same time the planning of new townships will be more co-ordinated and amenities provided in terms of local needs. They will not be dependant on one authority for the provision of one service at one period in time and for another authority at a still later date.

- (b) Health services in a similar manner to housing will be provided in a co-ordinated fashion and could be accompanied by more health education programs.
- (c) Safety, whereas this function will still remain the responsibility of the State Department of Justice, it will lighten the burden of the police force if their work is conducted in conjunction with a concerned program of social development. This last factor is of significance too in view of the fact that police officials will have to liaise and seek the co-operation of only one authority in matters of this nature.
- (d) Work opportunity : the provision of employment opportunities is one that at present is not sufficiently catered for, for all races in Cape Town. The over centralisation of commerce in the central business district is placing considerable strain on transportation networks and, with the placement of townships at the extremities of the Cape Flats, is placing increasing travel costs on commuters many of whom are in the low income categories.

The location of work opportunity in proximity to residential areas will be a function of metropolitan wide planning, promoted and implemented by a new metropolitan authority. The development of a commercial area in Mitchells Plain has been retarded by confusion of function between local authorities and the Coloured Development Corporation, and a lack of funds. A survey of the first 835 families living in Mitchells Plain showed that 33% of household heads were employed in central Cape Town alone, some 25 kilometres away. (26)

- (e) Education : the provision of education by the metropolitan authority would enable local needs (i.e. the needs of Greater Cape Town) to be approached more realistically. This is particularly so in provision of Coloured education. The Department of Coloured Affairs is responsible for nationwide administration and has other functions apart from the provision of Coloured education. A transfer of responsibility would not necessarily imply a change in educational standards (unless these were improvements) and could still be subject to a National Education Board.
- (f) The provision of recreational facilities, once again, would be planned on a co-ordinated level and according to priorities of needs. For example better community facilities in Bonteheuwel might come before a new exhibition hall on the foreshore.
- (g) Civic representation : the orientation of a metropolitan government towards the establishment of autonomous local authorities in all metropolitan areas, will provide a first step, in the process of civic representation for the Black members of the community. For the Whites too, it would be hope that the opportunity for greater civic representation would entail a greater civic awareness and responsibility.

The above needs represent the basic areas of Metro involvement; apart from an integrated and large scale program of social development, such an authority will require a process of social monitoring for the identification and isolation of problem areas. By this means steps can be taken towards reducing some of the acknowledged antecedents of crime previously enumerated.

5.6 Crime control in other areas of Metropolitan Government.  
(xiii)

It is of interest to note in passing the approach to crime prevention and its successes in the three metropolitan areas discussed previously.

- a) Toronto : The Royal Commission on Metropolitan Toronto note that Metro residents have "a high level of employment, expanding educational opportunities, housing that is the envy of many cities of the world, and an environment that has been safe yet stimulating". (27) This, despite the fact that the population of the metropolis has more than doubled in the last twenty years.

This promising state of affairs has been facilitated (as previously cited) by the operations of a single system of local government, where the advantages derived from a unified approach to planning are considerable. In the downtown area of Toronto for example, the relocation of industries to outlying areas (and other municipalities) and the concentration on office development has made the central city more desirable as a residential area than it was some years ago. "In turn, the stable residential areas in downtown Toronto have been credited with keeping it liveable and relatively free of crime". (28)

- b) Greater London Council : The problem of social deviance in the GLC is one of far greater proportions than in Toronto. Despite a declining population in central London itself, there has been a slow but linear increase of crimes in the Greater London area. (29) Many of the programs of urban renewal in the area have yet to be implemented and still others lack completion or are as yet too new to register any significant effect on those elements of the population most susceptible to criminogenic tendencies.



While it must be stated that both the Tokyo and Toronto Metro governments have been operative since the early fifties (and thus do not bear real comparison with the GLC) it is also true that the growth of rates of crime in Greater London is a cause of some concern to Metro and police officials alike.

- c) Tokyo : The climate of social, economic and technological development that is existent in Toyko (and Japan as a whole) is perhaps unique in the world today. Despite increasing industrialisation, urbanisation and modernisation, factors associated with increasing social deviance, the crime rate in Metropolitan Tokyo is showing a linear decrease in virtually all categories of crime. (30)

In its efforts to cater for its eleven and a half million citizens, the Tokyo Metropolitan Government has embarked upon concerted programs for the provision of housing and employment opportunities, the improvements of health and welfare services, the improvement of transportation networks, the reduction of pollution and numerous other projects for bettering the quality of urban life. All of the programs have of late fallen under the guide lines of the 'Minimum Civil Standards' targets implemented over three or five year plans. (31) Targets which could well be emulated in the establishment of a planning process in Metropolitan Cape Town.

## 5.6 Conclusion. (xiv)

The above proposals for a metropolitan authority for Greater Cape Town to replace the existing structure of local government, are of necessity only the barest outlines of a model, and its implementation might have to be altered significantly. Nevertheless, it is intended as a realistic alternative, and the more radical suggestions for changes are not necessarily those that should be replaced.

However, in whatever form it is implemented (within reason) it is felt, as a consequence of the findings of this investigation, that the establishment of a metropolitan authority is a necessary prerequisite for the establishment of a governmental framework within which a constructive program for the reduction of crime can be implemented in Greater Cape Town.

In the last analysis however, objectives of a modern metropolis should transcend considerations of crime control towards promotion of a general betterment of quality of life among all its citizens. As Bollens and Schmandt conclude in their paper "The Shape of the future":

"The system of local government in a metropolitan area exists to assure order and supply public services. Beyond these basic tasks, it exists to nurture civic life and to foster the values of a free and democratic society. It serves this higher role to the extent that it is able to fashion an environment suitable for the expression and development of human potentialities and for the personal growth of its individual members. Government is by no means the sole or possibly even the most important instrumentality for promoting men's goals. The special role of the government system is to provide an appropriate frame-work within which the energy and resources of the community can be mobilized and directed at improving the quality of urban life. Pessimistic as the outlook may seem to some, the good metropolis is more than a figment of utopian fancy. Its achievement is within the capabilities and resources of modern man. The choice of the future is his to make". (32)

Chapter 5Notes

1. The Argus 12 August 1975 'New deal for Urban Blacks nearly ready'.
2. L. Gulick 'The Rationale fro Metropolitan Government' in M Danielson Ed. 1966 p.119.
3. L. Gulick Ibid. p.125.
4. L. Gulick Ibid. loc. cit. p.125.
5. L. Gulick Ibid. p. 127.
6. M. Norton 1976. 'Relationships of the Core City to its City Region'. Unpublished Paper. T.M.S. Branch Cape Town City Engineers Department.
7. Report of the Royal Commission on Metropolitan Toronto June 1977 Vol. 1. 'Metropolitan Toronto a Framework for the Future' p. 17.
8. I. Hitoshi 'Tokyo Metropolitan Government as stimulator of Hapan's Economic and Social Development' in IULA publications 'Local Government as Promoter of Economic and Social Development' 1971 p.81.
9. I. Hitoshi Ibid p. 83.
10. J.B. Cullingworth 1974 'Town and Country Planning in Britain' p. 151.
11. Report of the (Maud) Committee on the Management of Local Government 1967. Vol. 1. Summary in M. Norton 1976. op. cit. p. 3.
12. W. Slater 1972 in "The Heart of a City" ed. H.G. Heugh U.C.T. Summer School Seminar p. 45.
13. W. Slater 1972 Ibid. p. 47.
14. W. Slater 1972 Ibid. p. 46.
15. W. Slater 1966 'Report on a Metropolitan Municipal Authority for Cape Town' para. 185.
16. W. Slater 1972 op. cit. p. 47.
17. W. Slater 1966 op. cit. para. 187.

18. H. Heugh 1972 'The Municipal Government of Cape Town' in 'Heart of a City' op. cit. p.23.
19. A.R. Kuklinsky 1972 'Local government in regional and national perspective' in IULA publication op. cit. p. 12.
20. See F. Schaffer 1970 'The New Town Story'.
21. Report of the (Maud) committee on the Management of Local Government 1967 Vol. 4. 'Local Government Administration abroad'. pp. 114-136. At p. 133 the annual income of municipalities in the Netherlands is derived as follows:-

Taxes under their control	15%
Central taxes (via municipal fund)	52%
From grants	33%

22. Personal Interview with Alderman A.H.W.M. de Raaf 13 July 1977 Municipal Council Offices, Breda, Holland.
23. Royal Commission on Metropolitan Toronto op.cit. p.19.
24. Cape Metropolitan Planning Board 1976. Preliminary 'Guide Plan'.
25. C.F. Maslow 1954 'Motivation and Personality'.
26. 'Survey of the first 835 Families Living in Mitchell's Plain' T.M.S. Branch City Engineers Department 1976.
27. Royal Commission on Metropolitan Toronto op. cit. p.17.
28. Royal Commission on Metropolitan Toronto Ibid p. 19.
29. Total crimes reported in the area of Greater London have been as follows in recent years:

<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>
292 996	316 012	316 353	335 443	348 826

Annual Abstracts of the Greater London statistics Vol. 3.

1968; Vol. 4. 1969; Vol. 5. 1970; Vol. 6. 1971; Vol. 7. 1972.

30. Recent crime trends in Tokyo have been as follows for reported crimes:

Type of Crime	1970	1971	1972	1973	1974
All Penal Code Crimes	219 301	210 061	208 806	208 188	209 261
Atrocious crimes					
Murder Rape etc.	1389	1289	1384	1250	1224
Wild crimes					
Assault Injury etc.	20 210	18 729	16 991	17 171	15 454
Larceny	175 533	170 545	169 894	168 299	172 223
Intellectual crimes					
Fraud Bribery etc.	12 526	10 713	12 377	12 681	11 981
Vice crimes	2518	2252	2159	2337	2119

Toyko Metropolitan Government 1977 'An Administrative Perspection of Tokyo' p. 204.

31. Hitoshi 1971 op. cit. p. 84.

32. J. C. Bollens, H.J. Schmandl 1965 'The Shape of the Future in Glaser D. 1970 'Crime in the City' p. 260.



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#### TABLE OF ACTS

<u>Title</u>	<u>No.</u>	<u>Year</u>
South Africa Constitution Act		1909
State Property (Immunity from rating) act	32	1931
Slums Act	53	1934
Finance Act	27	1940
Bantu (Urban Areas) Consolidation Act	25	1945
Bantu Urban Councils Act	79	1961
Coloured Development Corporation Act	4	1962
Local Authorities (Development According to Communities) Act	6	1963
Group Areas Act	36	1966
Physical Planning and Utilization of Resources Act	73	1975
Bantu Affairs Administration Act	45	1971

Table of Ordinances

<u>Title</u>	<u>No.</u>	<u>Year</u>
Cape Municipal Ordinance		1912
Townships Ordinance	33	1934
Cape Divisional Council Ordinance	15	1952
Cape Municipal Ordinance	19	1951
Cape Town Administrative Ordinance	261	1965
Municipal Amendment Ordiances	5	1966
	23	1967
	7	1968
	15	1969
	25	1970
	11	1971
	15	1972
	5	1973
Local Authorities Voters Amendment Ordinance	19	1971
Cape Municipal Ordinance	20	1974